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**STATE OF MAINE  
122<sup>nd</sup> LEGISLATURE  
SECOND REGULAR SESSION**

**Second Interim Report and Recommendations  
of the  
Task Force to Study Maine's Homeland Security  
Needs**

**February 2006**

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## EXECUTIVE SUMMARY

The Task Force to Study Maine's Homeland Security Needs ("the Task Force") was established by the 122<sup>nd</sup> Legislature and signed into law by Governor John Baldacci. The Task Force was directed to meet over a two-year period to review Maine's homeland security needs and to identify gaps in Maine's emergency preparedness. The Task Force consists of six legislators and five members of the public.

The Task Force began its work in October of 2005 and over the course of four months held nine public meetings across the state in Augusta, Brunswick, Bangor, Oxford Hills, Presque Isle, Rockland, and Saco. The purpose of the meetings was to gather information on our strengths and weaknesses in emergency preparedness, and to formulate recommendations. In total we heard from upwards of 200 members of the public, private organizations, and public officials.

While the Task Force found that Maine is well prepared for a natural or human made disaster, there are several areas that need our immediate attention and action. Accordingly, the Task Force voted unanimously to make the following recommendations, and the draft emergency legislation to implement these recommendations is attached as Appendices G, H and I.

### **Recommendation 1: *Communications and Interoperability***

- Secure at least six public safety radio frequencies to be used as statewide disaster channels, with protocols and prioritization of use. (pg.4)
- Require MEMA to conduct periodic tests of how first responders utilize public safety frequencies during emergency situations. (pg.4)

### **Recommendation 2: *The Maine Emergency Management Agency [MEMA]***

- Strengthen the statutory qualifications of the Director of MEMA to include education, training, or experience in emergency management. (pg.5)
- Require legislative confirmation to appoint the Director of MEMA. (pg.5)
- Authorize the Director of MEMA to have direct access to the Governor in the case of an emergency. (pg.5)
- Transfer oversight of MEMA to the committee of the Legislature having jurisdiction over public safety. (pg.5)

### **Recommendation 3: *Disaster Relief***

- Authorize the Governor to transfer up to three million dollars to the Disaster Relief Fund for use during a nationally declared disaster. (pg.5)

**Recommendation 4: Oversight and Coordination of Homeland Security Funds**

- Require that the MCDC and MEMA coordinate the planning and expenditure of all emergency preparedness funds. (pg.6)
- Require that MCDC and MEMA report to the legislature on the expenditure of emergency preparedness funds and the plans for anticipated revenue. (pg.6)
- Establish the Homeland Security Advisory Council in statute. (pg.7)

**Recommendation 5: Emergency Notification, Shelters, and Evacuation Plans**

- Require that all new school construction include back-up generators or be wired for portable generators. (pg.8)
- Direct MEMA to survey and report back on statewide municipal emergency notification systems, nursing home evacuation plans and shelter capabilities. (pg.8)

**Recommendation 6: Medical Surge Capacity and Emergency Immunity**

- Direct MCDC to develop recommendations addressing Maine's surge capacity. (pg.8)
- Grant limited immunity to hospitals in the event of a declared emergency. (pg.9)

**Recommendation 7: Regional Resource Centers and Local Health Officers**

- Provide Regional Resource Centers with sufficient funding to continue present operations. (pg.10)
- Enhance the qualifications and authority of local Health Officers. (pg.10)

**Recommendation 8: Education and Community Outreach**

- Require MEMA to broadcast emergency preparedness public service announcements to educate and inform members of the public. (pg.11)
- Direct MEMA to evaluate the emergency preparedness of our public schools and provide recommendations on how these systems should be improved.
- Incorporate emergency planning into the public school curriculum. (pg. 11)

**Recommendation 9: Shift Federal funding Priorities**

- Memorialize Congress and the President of the United States to shift funding priorities and support the equitable disbursement of Homeland Security funds. (pg.12)

The next meetings of the Task Force will follow up on the above areas and begin looking into pieces not yet analyzed. Some of these areas include: the Maine National Guard, our overall Public Health System, chemical security, credentialing and privileging for hospitals and physicians, and the role of volunteers in emergency preparedness. The Task Force will submit its final report in November of 2006.

## **I. INTRODUCTION**

### **a. Resolve**

The Task Force to Study Maine's Homeland Security Needs ("Task Force") was established during the Second Special Session of the 122<sup>nd</sup> Legislature by Resolve 2005, Chapter 126. A copy of the resolve is attached as **Appendix A**. The eleven member Task Force includes six legislators and five public members representing the public interest who are directly involved in emergency preparedness or homeland security. The Task Force membership roster is listed in **Appendix B**. Pursuant to the resolve, the Task Force is required to submit an interim report on its findings and recommendations, including any suggested legislation, to the Second Regular Session of the 122<sup>nd</sup> Legislature. The Task Force submitted its first interim report in December of 2005. This is the second interim report of the Task Force.

### **b. Charge to the Task Force**

The Task Force was charged with the following duties:

1. Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security;
2. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness;
3. As part of its review of needs and preparedness, receive a report on the status of the Maine's Homeland Security Task Force report on its vision and plans and the status of those plans as of May 2005;
4. Hold at least 2 of its meetings outside of Augusta and provide an opportunity for public comment at those meetings; and
5. Review ways to improve the flow of information to the Legislature and the general public about Maine's homeland security needs and preparedness.

The Task Force held meetings in Augusta, Bangor, Brunswick, Oxford Hills, Rockland, Presque Isle and Saco to gather information from state and local officials, members of the public and private organizations on the strengths and weaknesses in emergency preparedness planning throughout the state. The Task Force greatly appreciates the time and energy that these participants contributed to the process to make certain that the Task Force was provided with as much information as possible in a short period of time. The meeting agendas, sign in sheets and samples of submitted testimony are attached as **Appendix C**.

## II. BACKGROUND

On December 17, 2003, President Bush issued Homeland Security Presidential Directive 8 "*National Preparedness*" (HSPD-8). The goal of HSPD-8 is to "establish policies to strengthen the preparedness of the United States to prevent and respond to threatened or actual domestic terrorist attacks, major disasters, and other emergencies by requiring a national domestic all-hazards preparedness goal, establishing mechanisms for improved delivery of Federal preparedness assistance to State and local governments, and outlining actions to strengthen preparedness capabilities of Federal, State, and local entities."<sup>1</sup> A copy of HSPD-8 is attached as **Appendix D**.

On March 31, 2005, the Department of Homeland Security (DHS) issued the Interim National Preparedness Goal (the Goal) and accompanying National Preparedness Guidance (NPG). The Goal establishes a vision for a National Preparedness System, and the NPG provided an introduction to several of the key building blocks for that system, including the National Planning Scenarios, Universal Task List (UTL), Target Capabilities List (TCL), and seven National Priorities. This document provides guidance for use by States and Urban Areas in placing their preparedness efforts within the context of this new doctrine and updating their existing Homeland Security Strategies to ensure that they support the Goal and reflect the seven National Priorities.

According to the DHS, the vision of the National Preparedness Goal is:

*'To engage Federal, State, local, and tribal entities, their private and nongovernmental partners, and the general public to achieve and sustain risk-based target levels of capability to prevent, protect against, respond to, and recover from major events in order to minimize the impact on lives, property, and the economy.'*<sup>2</sup>

The Office of State and Local Government Coordination and Preparedness, within DHS, is the agency in charge of helping states, local and tribal jurisdictions and regional authorities with implementing the HSPD-8. To carry out this directive, the Office has the following components: The Office for Domestic Preparedness, Office of Community Preparedness and the Office of State and Local Government Coordination.

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<sup>1</sup> The U.S. Department of Homeland Security, <http://www.ojp.usdoj.gov/odp/assessments/hspd8.htm>

<sup>2</sup> The U.S. Department of Homeland Security, *National Preparedness Goal*:  
[http://www.ojp.usdoj.gov/odp/docs/Goal\\_041305.pdf](http://www.ojp.usdoj.gov/odp/docs/Goal_041305.pdf)

### III. INTERIM FINDINGS AND RECOMMENDATIONS

#### 1. *Communications and Interoperability*

Across the country, the lack of interoperable wireless communication systems has been and continues to be an area of concern. DHS has stated that in many states agencies are unable to communicate or share critical voice and data information with other jurisdictions or disciplines during major events or day-to-day operations.

The term ‘interoperable communications’ is used to describe “the ability to provide an uninterrupted flow of critical information among responding multi-disciplinary and multi jurisdictional agencies at all levels of government before, during, and after an event.”<sup>3</sup> Communications interoperability is the foundation that allows federal, state, local, and tribal entities to work together in an effective manner to prevent, protect against, respond to, and recover from terrorist attacks, major disasters, and other emergencies. According to the DHS, states can achieve communications operability by focusing on the *Interoperability Continuum*, which DHS has described as having five elements: governance, standard operating procedures, technology, training and exercise, and usage of equipment.

One of the most critical concerns voiced to the Task Force has been the need in Maine to achieve a state communications interoperability plan that will insure that local, county, state and federal agencies are able to communicate in the event of a large scale emergency or disaster. Maine’s Office of Information Technology and MEMA have proposed a draft plan for a *Concept of Operation for Incident Communications Interoperability* (“CONOPS”) that will serve as a guide for public safety agencies for “developing and employing interoperability through an effective Incident Communications program.”<sup>4</sup> The goal of achieving interoperability can be achieved by building partnerships between public safety agencies and other state agencies, hospitals, federal agencies that aid in response and recovery and public works and utilities and other support agencies. According the Maine CONOPS plan, interoperability is the “ability for on demand and real time radio communications between public safety personnel and personnel from other agencies.”<sup>5</sup> Two-way radio voice communications are instrumental in providing the means for communication among first responders, public safety officials and other agencies. The draft *CONOPS* plan is attached as **Appendix E**.

The Statewide Radio Network Board (“the board”), convened in July 2004 to address the need for a new public safety radio system and to give guidance in the area of interoperability, has been working diligently to support the State’s plans to replace its wireless infrastructure, establish interoperability and provide guidance for frequency coordination. The board’s memorandum prepared for the Task Force on communications interoperability, which includes the board’s membership, is attached as **Appendix F**.

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<sup>3</sup> Department of Homeland Security,

<sup>4</sup> State of Maine, Concept of Operations for Incident Communications Interoperability, State Office of Information Technology and the Maine Emergency Management Agency, Version 1.0 December 28, 2005.

<sup>5</sup> Id. pg. 2.



**Findings:** The Task Force finds that there is a serious gap in the ability of our first responders to communicate between municipalities and between all levels of government in the case of an emergency. The Task Force recognizes the vital importance of achieving an interoperability strategy for Maine that will ensure a unified response from all local, state and federal responders.

**Recommendations:** The Task Force recommends that the Statewide Radio Network Board develop protocols and procedures for frequency coordination throughout the state during major emergencies. The Task Force recommends that the board, with participation from stakeholders, receive obtain memorandums of understanding from various stakeholders, including: Maine Emergency Management Agency, Maine Fire Chiefs Association, Maine Fire Protection Services Commission, Maine Chiefs of Police, Maine Sheriff's Association, the Maine State Police, Department of Public Safety, federal first responders, Maine Emergency Medical Services, Maine Hospital Association, and local public works and utilities. The Task Force recommends that the board allocate no less than 6 public safety band radio frequencies to be used as multi-jurisdictional, county and state disaster channels. In addition, the Director of the Maine Emergency Management Agency shall develop a communications plan for multi-jurisdictional, regional and statewide disasters to ensure interoperability that includes participation with expected public and private expected response partners, and local, county, state and federal stakeholders. The Statewide Radio Network Board and the Maine Emergency Management Agency shall report back to the Task Force to Study Maine's Homeland Security Needs on their progress in obtaining memorandums of understanding from the various stakeholders and the need for training the first responder community in the area of frequency use and operation protocols for efficiency, timeliness and prioritization of usage by September 18, 2006. Draft legislation to implement these recommendations is attached as **Appendix G**.

The Task Force also finds that the Director of the Maine Emergency Management Agency should conduct periodic tests of the ability of first responders to utilize public safety frequencies during emergency situations, as it is critical to ensure that the first responder community has sufficient training to understand and comply with adopted protocols and procedures for efficient, timely and prioritized usage. Draft legislation to implement this recommendation is attached as **Appendix G**.

## ***2. The Maine Emergency Management Agency***

The Maine Emergency Management Agency ("MEMA"), structured within the Department of Defense, Veterans and Emergency Management, was created to "lessen the effects of disaster on the lives and property of the people of the State through leadership, coordination and support in the 4 phases of emergency management: mitigation, preparedness, response and recovery."<sup>6</sup> The Director of MEMA is responsible for carrying out the mission of the agency, and serves at the pleasure of the Commissioner of the Department of Defense, Veterans and Emergency Management. The director is responsible for coordinating all emergency management initiatives, serving as the state's liaison with other emergency

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<sup>6</sup> 37-B M.R.S.A § 701(1)

management and public safety agencies across the country as well as with the federal government, and is responsible for evaluating the local emergency management organizations in Maine to determine their capabilities and to ensure that they are operating in the best interest of public welfare and safety. MEMA is also responsible for coordinating homeland securities planning and the administration of homeland security grant funding. The Director of MEMA is also a member of the Homeland Security Advisory Council, providing advice to the Governor on critical policy issues.

**Findings:** The Task Force finds that there are potential gaps in the statutory requirements for the position of Director of MEMA, the lines of authority in times of emergency and in the committee of jurisdiction having oversight of MEMA.

**Recommendations:** The Task Force recommends that the duties of the Maine Emergency Management agency and the director should be placed within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety issues. The Task Force also recommends that the qualifications for the Director's position be clarified in statute to reflect the importance of a relevant background in the emergency management profession, including education, training and experience. The Task Force also finds that the Director's position should be appointed by the Governor and confirmed by the Legislature, and that the statute should reflect the need for the Director to have direct access to the Governor at all times. Draft legislation to implement these recommendations is attached as **Appendix G**.

### ***3. Disaster Relief***

The Disaster Relief Recovery Fund ("the fund") was created in 2005, Title 37-B section 745, with the goal of establishing a funding resource that could be utilized to help the state's response in two scenarios: response to a disaster or emergency that is declared by a proclamation of the Governor, pursuant to Title 37-B, section 742; or in the event of a major disaster in Maine that is declared by a Presidential proclamation, pursuant to Title 37-B, section 744. At this time, no money has been appropriated to the fund. The Director of the Maine Emergency Management Agency emphasized to the Task Force the importance of this fund to be used as the state's resource in the event of a large scale emergency, where the State suffers significant damages that fall short of the threshold criteria required to trigger federal aid.

**Findings:** The Task Force finds that there is a problematic gap in Maine's financial preparedness for a federal disaster and recognizes that there is a need for a Disaster Relief Fund that has adequate resources and supports the concept of appropriating money to the Disaster Relief Fund, with certain restrictions, so that the state will have an available resource that would be ready to provide the necessary state match to federal funds in the event of a federally declared disaster.

**Recommendations:** The Task Force recommends that the Legislature enact legislation that authorizes the Governor to transfer from the Budget Stabilization Fund up to three million dollars to the Disaster Relief Fund within a state fiscal year, with the restriction that no more than three million dollars may be expended from the Disaster Relief Fund

during any state fiscal year. Any interest that accrues in the Fund must be transferred back to the Budget Stabilization fund. Draft legislation to implement this recommendation is attached as **Appendix G**.

#### **4. Oversight and Coordination of Homeland Security Funds**

Maine's homeland security and emergency preparedness initiatives have been supported by several federal grant programs. MEMA receives DHS grant funds, including *First Responder Preparedness* grants and *Law Enforcement Terrorism Protection Program* grants, and the Maine CDC receives *Public Health Preparedness* grants and the HRSA grant. These two agencies are responsible for administering these funds and ensuring that grant applicants comply with the federal requirements.

**Findings:** The Task Force finds that there is a real gap in the coordination of spending federal funds between the Maine Emergency Management Agency and the Maine Center for Disease Control and Prevention. The Task Force also finds that there is a gap in legislative oversight due to these funds being spent by entities that report to numerous different legislative committees. The Task Force finds that enhanced coordination between the two agencies has grown increasingly important with the projected reduction in homeland security grant funding levels.

**Recommendations:** The Task Force recommends that the Director of the Maine Center for Disease Control and Prevention coordinate in a mutually agreed upon manner with the Director of the Maine Emergency Management Agency on the planning and expenditure of all federal funds received by the Maine Center for Disease Control and Prevention for homeland security emergency preparedness purposes or for the prevention of bioterrorism and provide a report annually, beginning December 15, 2006, to the Homeland Security Advisory Council, established currently by Executive Order. The Task Force recommends that the Homeland Security Advisor for the Council report by January 15<sup>th</sup> of each year, beginning in 2007, on the expenditure of such funds to the joint standing committee having jurisdiction over health and human service matters and the joint standing committee having jurisdiction over criminal justice and public safety matters. The report must include, but is not limited to, the amount of funds expended in the prior year, the purpose of those expenditures, the effect of those expenditures on an all-hazards approach to homeland security and bioterrorism prevention and the plans for coordination with the Maine Emergency Management Agency for the expenditure of the funds received or anticipated for such purposes in the two years following submission of the report. Draft legislation to implement these recommendations is attached as **Appendix G**.

On July 8, 2004, Governor Baldacci established by Executive Order the Maine Homeland Security Advisory Council Maine ("the council"). The council was established to increase coordination among state agencies and MEMA in the areas of federal homeland security funding support, and emergency planning and terrorism response efforts, and to ensure that the Governor is frequently advised on these issues.

**Findings:** The Task Force finds that the mission of the Homeland Security Advisory Council is critical in ensuring that state agencies coordinate their emergency planning and response efforts to maximize the use of federal funds and in establishing clear lines of communication among those agencies responsible for managing critical intelligence information.

**Recommendations:** In recognition of the importance of the Homeland Security Advisory Council's work, the Task Force recommends that the council be established in statute. Draft legislation to implement these recommendations is attached as **Appendix G**.

## **5. Emergency Notification, Shelters and Evacuation Plans**

The U.S. Department of Homeland Security has stated on November 23, 2005 in its *Preparedness Directorate Information Bulletin* that every state should provide information describing the plans and resources that are being dedicated to emergency response plans that contemplate evacuation of large numbers of evacuees, "including special needs groups in hospitals and nursing homes, or residents without access to transportation...as well as plans for sustenance of evacuees."<sup>7</sup>

Although the capacity of the American Red Cross to provide shelter services has significantly improved in recent years, there is a serious shortage in sheltering capacity in the counties throughout Maine. There is a gap in the availability of shelters that can accommodate large numbers of evacuees, shelter for individuals with special needs, as well as pet friendly shelters. In addition, many of the buildings in Maine that are identified as shelters lack generators or the capacity to connect to generators. However, there are many schools that could have the capacity to function as shelters for large numbers of evacuees, and homeland security funding could be allocated to fund generators for these schools.

In addition to the need for sheltering capacity, it is critical for members of the public to receive prompt, accurate and useful information as quickly as possible in the event of an impending emergency or disaster that could threaten their health and safety. To ensure that the public does receive alert messages and knows how to interpret these messages properly, more education and public awareness efforts need to be undertaken. The emergency alerting system allows for regional or statewide alerting and notification through the public radio and television networks, but more needs to be done to increase the public's awareness about this service. Many of the traditional notification methods are not accessible to individuals with disabilities, so it is critical that combinations of other warning systems are used to reach all citizens.

**Findings:** The Task Force finds that there is a significant gap in Maine's sheltering capacity and in the lack of backup generators for those shelters already designated as such. In addition, in order to make further recommendations in this area, the Task Force needs more detailed information on the state's shelter capacity, plans for establishing shelters that accommodate individuals with disabilities, the types of emergency

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<sup>7</sup> DHS Preparedness Directorate Information Bulletin, No. 197, November 23, 2005. p.1

notification systems that currently exist throughout the state and the state of evacuation plans for municipalities.

**Recommendations:** The Task Force recommends that the state board only approve building projects for new schools that are designed to include adequate back-up energy generators or that are wired for portable energy generators to enable use as public shelters. In addition, the Task Force requests that the Director of the Maine Emergency Management Agency survey local Maine communities to gather information on the types of emergency notification systems that are in place throughout the state, evacuation plans for nursing homes currently adopted throughout the state and shelter capabilities throughout the state, with a focus on determining how shelters are designed to accommodate populations with special needs, particularly persons with disabilities. The Director is required to report back by September 18, 2006 to the Task Force to Study Maine's Homeland Security Needs on the results of this survey and provide recommendations for improvement in these areas, with a focus on how to accommodate populations with special needs, particularly persons with disabilities. Draft legislation to implement these recommendations is attached as **Appendix G**.

#### **6. *Medical Surge Capacity and Emergency Immunity***

Evaluating how the medical and health systems in the United States will respond to a major emergency or disaster with human casualties is a difficult but necessary task. Many hospitals are not prepared for the type of event that could cause a dramatic increase in the numbers of patients (surge capacity) and victims with specialized medical needs (surge capability).<sup>8</sup> In the event of a disaster, hospitals will rapidly be required to transform their facilities to accommodate the maximum number of patients they can possible handle. Accordingly, medical surge capacity is an important piece of emergency preparedness planning.

**Findings:** The Task Force finds that a troubling gap exists in determining exactly what Maine's surge capacity is and what our medical surge plans are and is interested in receiving more information in order to determine Maine's preparedness and what measures can be taken to improve the ability of Maine's medical and health systems to respond effectively in the event of a major disaster.

**Recommendations:** The Task Force recommends that the Director of the Maine Center for Disease Control and Prevention, in conjunction with the Maine Hospital Association, shall update its recent survey of emergency health system capacity in Maine. The Director of the Maine Center for Disease Control and Prevention, in coordination with the Director of the Maine Emergency Management Agency and the Maine Hospital Association, is required to develop recommendations to address Maine's acute medical and public health surge capacity and provide a report on these recommendations to the Task Force to Study Maine's Homeland Security Needs by September 18, 2006. Draft legislation to implement these recommendations is attached as **Appendix G**.

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<sup>8</sup> <http://www.ahrq.gov/news/ulp/btbriefs/btbrief3.htm#regional>

Health care workforce emergency surge capacity is an important element in emergency preparedness planning. Hospital policies for credentialing and privileging<sup>9</sup> during emergencies will determine its ability to effectively respond in the event of a disaster or major emergency. However, the credentialing and privileging of health professionals can be a lengthy process that is impractical in the event of a disaster or emergency, where hospitals must act quickly and may be unable to verify licensing or credentialing information for health care professionals. In order to facilitate the use of volunteer health professionals during such extreme events, certain liability protections can be provided to hospitals.

**Findings:** The Task Force finds that a burdensome gap exists in ensuring that hospitals have the limited immunity needed to hire a sufficient health care workforce in the event of a disaster or major emergency.

**Recommendation:** The Task Force recommends that in the event of a declared public health emergency, an extreme public health emergency, or in response to a disaster, private institutions that hire or engage with licensed health care personnel should be granted limited immunity from civil liability for any actions arising from allegations of inadequate investigation prior to their engagement, including but not limited to negligent hiring, credentialing or privileging, for services provided within the scope of that health care practitioner's licensure. Draft legislation to implement these recommendations is attached as **Appendix H**.

## **7. *Regional Resource Centers and Local Health Officers***

In 2002, The United States Congress allocated funds to the Centers for Disease Control (CDC), and the Department of Health and Human Services, Health Resources and Services Administration (HRSA) in an effort to channel funding to the states for emergency preparedness initiatives. The HRSA grant program is entitled the "*National Bioterrorism Hospital Preparedness Program*" and its purpose is "to prepare hospitals and supporting healthcare systems, in collaboration with other partners, to deliver coordinated and effective care to victims of terrorism and other public health emergencies."<sup>10</sup>

The CDC *Public Health Emergency Preparedness Program* is designed to "upgrade and integrate state and local public health jurisdictions' preparedness for and response to terrorism and other public health emergencies with Federal, State, local, and tribal governments, the private sector, and Non-Governmental Organizations (NGOs)."<sup>11</sup> These emergency preparedness and response efforts are intended to support the National Response Plan (NRP) and the National Incident Management System (NIMS).

In 2004, the Regional Resource Centers ("RRCs") were funded by the Maine Center for

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<sup>9</sup> Credentialing refers to the process of verifying and conferring approval for a health professional to provide health care. Privileges describe the scope of practice assigned to a health professional in a specified facility or health service.

<sup>10</sup> <http://www.hrsa.gov/bioterrorism/overview.htm>

<sup>11</sup> <http://www.bt.cdc.gov/planning/guidance05/>, Program Announcement AA154 - May 13, 2005

Disease Control and Prevention (“MCDC”) primarily through HRSA grants to coordinate regional emergency response planning among Maine’s three trauma centers (Maine Medical Center, Central Maine Medical Center and Eastern Maine Medical Center) and regional and state health care partners. Many concerns were raised to the Task Force during the public meetings that funding for the RRCs was anticipated to change in June 2006, which would impact the ability of the RRCs to fulfill their mission.

The Task Force also heard testimony that many local health officers,<sup>12</sup> created by statute and located in each municipality, are insufficiently trained and that those with adequate qualifications do not have the tools necessary to fulfill community expectations and to help support state emergency preparedness and homeland security initiatives.

**Findings:** The Task Force finds that the work performed by the RRCs is essential to coordinate emergency response planning among Maine’s three trauma centers and regional public and private sector agencies. The Task Force is concerned that the RRCs will experience a significant reduction in Health Resources and Services Administration (HRSA) grant money, which will negatively impact their ability to achieve their emergency preparedness goals. The Task Force also finds that there is a gap between local health officer qualifications, expectations and authority and that more information is needed to determine how their role can be developed to support emergency preparedness.

**Recommendations:** The Task Force recommends that the Director of the Maine Center for Disease Control and Prevention shall work with stakeholders to ensure that the Regional Resource Centers are provided sufficient funding resources to meet the goals of hospital and health system providers. The Director of the Maine Center for Disease Control and Prevention shall report back to the Task Force to Study Maine’s Homeland Security Needs on the results of the Health Resources and Services Administration (HRSA) grant and contract with the Regional Resource Centers and proposed recommendations by September 18, 2006, as well as to the joint standing committee having jurisdiction over health and human services matters and the joint standing committee having jurisdiction over criminal justice matters by January 15, 2007. Draft legislation to implement these recommendations is attached as **Appendix G**.

The Task Force also recommends that the Director of the Maine Center for Disease Control and Prevention, in conjunction with stakeholders and interested parties, shall study the qualifications and duties of local health officers in Maine and develop recommendations for enhancing the role of local health officers in emergency preparedness plans. The Director of the Maine Center for Disease Control and Prevention is required to report back to the Task Force to Study Maine’s Homeland Security Needs on the results of this study and proposed recommendations by September 18, 2006. Draft legislation to implement these recommendations is attached as **Appendix G**.

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<sup>12</sup> 22 M.R.S.A. § 153.

## **8. Education and Community Outreach**

The DHS has emphasized the importance of educating individuals and families on steps they can take to protect themselves in the case of an emergency. The DHS has established a new website [Ready.Gov](http://Ready.Gov) that has many resources to encourage individuals, families and children to learn more about how they can be prepared in the event of an emergency. The website also has a link to the U.S. Department of Education's new website on emergency planning for teachers and school administrators to use as an emergency preparedness resource. The website, [www.ed.gov/admins/lead/safety/emergencyplan/index.html](http://www.ed.gov/admins/lead/safety/emergencyplan/index.html), is designed to help schools and communities across the country engage in all-hazards emergency planning, including natural disasters, violent incidents and terrorist acts.

The Task Force has received testimony that demonstrates that some schools in Maine are beginning to embrace an all-hazards approach to their emergency planning, but more work needs to be done to increase the dialogue among teachers, administrators, students and members of the community in this area.

**Findings:** The Task Force finds that there is a disturbing gap in the emergency preparedness of most Maine individuals and families. The Task Force also finds that closing this gap is essential to ensuring the safety of our residents and that as many tools as possible should be used to reach the members of our communities. The Task Force also finds it critical that this message reaches the youth and that our schools do more to engage in dialogue with their students on emergency preparedness planning inside and outside of the classroom.

**Recommendations:** The Task Force recommends that the Director of the Maine Emergency develop and produce emergency preparedness public service announcements to be broadcasted regularly on local broadcasting networks to educate and inform members of the public. Draft legislation to implement these recommendations is attached as **Appendix G**.

Furthermore, the Task Force recommends that the Director of the Maine Emergency Management Agency coordinate with the Commissioner of Education to perform an assessment of the number of Maine public schools that have adopted an all-hazards approach to emergency preparedness. The Task Force recommends that the Director and the Commissioner of Education coordinate their efforts for community outreach for all-hazards emergency planning, and that the Director report back to the Task Force to Study Maine's Homeland Security Needs on the emergency notification systems currently in place and shall provide recommendations on how these systems should be improved by September 18, 2006. Draft legislation to implement these recommendations is attached as **Appendix G**.

In addition, the Task Force recommends that the Commissioner determine methods for incorporating emergency planning within the elementary and high school public school curriculum and report by January 15, 2007 on the commissioner's findings and recommended changes to the education curriculum to the joint standing committee



having jurisdiction over education and cultural affairs matters, and the joint standing committee having jurisdiction over criminal justice and public safety matters. Draft legislation to implement these recommendations is attached as **Appendix G**.

## **9. Shift Federal Funding Priorities**

DHS homeland security grant funding levels for Maine have been reduced dramatically due to a shift in federal funding priorities. In particular, DHS is now using a risk-based approach to homeland security funding that will make it harder for states like Maine to receive adequate funding to support state and national homeland security goals. In fiscal year 2004, MEMA received \$22.4 million in homeland security grants funds and in fiscal year 2005 the funding dropped to \$14.8 million. For fiscal year 2006, MEMA is projected to only receive \$7.13 million in homeland security grants. MCDC funding has also been reduced from \$11.1 million in fiscal year 2004 to \$6.4 million in fiscal year 2006, and the HRSA grant funding has been reduced from \$2.9 million in fiscal year 2004 to under \$2.5 million in fiscal year 2006. Senator Collins has sponsored legislation in congress, S.21 '*A bill to provide for homeland security grant coordination and simplification, and for other purposes*', proposes to provide funding for high-risk states and cities but also proposes to provide all states with the necessary funding to prevent and respond to potential terrorist acts. S.21 is attached as **Appendix J**.

**Findings:** DHS homeland security grant funding has been instrumental in providing Maine with the financial support it needs to implement national homeland security and emergency preparedness goals and initiatives. However, the Task Force remains concerned that MEMA's homeland security grant funding has been reduced from \$22.4 million in 2004 to \$14.8 million in fiscal year 2005, and is projected to suffer an even greater reduction to a projected \$7.13 million in fiscal year 2006.

**Recommendations:** The Task Force recommends a joint resolution memorializing the Congress and the President of the United States to shift funding priorities and support the equitable disbursement of homeland security funds as outlined in U.S. Senate Bill 21, sponsored by Senator Susan Collins, in order to ensure that all states effectively contribute to our national security goals and emergency preparedness. Draft legislation to implement these recommendations is attached as **Appendix I**.

#### **IV. PLANS FOR FINAL MEETINGS**

The Task Force plans to continue the remainder of its work during its four remaining meetings in 2006 to address in greater detail Maine's homeland security and emergency preparedness needs, with a special focus on the following:

- the decline in volunteerism in the areas of emergency medical services, fire services and public safety;
- Maine Emergency Management staffing levels and shortfalls in matching funds;
- repeater systems in large buildings that would allow fire services to communicate with each other;
- the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness;
- credentialing and privileging issues for physicians and hospitals during emergencies;
- emergency preparedness training for harbor masters;
- the public health system in Maine;
- chemical security issues;
- civil liberties issues; and
- reviewing the allocation of federal homeland security grant funding.

The Task Force's final report is due November 1, 2006 and it will include a summary of its findings, recommendations and any additional proposed legislation that may be necessary to implement its recommendations.

## **APPENDIX A**

**Authorizing Legislation, Resolve 2005, Chapter 126**

# RESOLVES

## First Special Session of the 122nd

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### CHAPTER 126 S.P. 610 - L.D. 1645

#### **Resolve, To Establish the Task Force To Study Maine's Homeland Security Needs**

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

**Whereas,** it is appropriate and timely to create a task force to receive the report of Maine's Homeland Security Task Force and to involve and educate the Legislature and the public regarding the issues of preparedness and emergency response; and

**Whereas,** it is also important to identify the State's needs and resource gaps regarding homeland security; 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

**Sec. 1. Task force established. Resolved:** That the Task Force to Study Maine's Homeland Security Needs, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 11 members appointed as follows:

1. Two Senators, who may not be members of the same political party, appointed by the President of the Senate;

2. Four members of the House of Representatives, who may not all be members of the same political party, appointed by the Speaker of the House; and

3. Five members representing the public interest who are not directly involved in emergency preparedness or homeland security, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives and 3 members appointed by the Governor; and be it further

**Sec. 3. Chair. Resolved:** That the first-named Senate member is the Senate chair of the task force and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15

days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which may be no later than August 1, 2005; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall do the following:

1. Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security;
2. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness;
3. As part of its review of needs and preparedness, receive a report on the status of the Maine's Homeland Security Task Force report on its vision and plans and the status of those plans as of May 2005;
4. Hold at least 2 of its meetings outside of Augusta and provide an opportunity for public comment at those meetings; and
5. Review ways to improve the flow of information to the Legislature and the general public about Maine's homeland security needs and preparedness; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Maine Emergency Management Agency shall provide necessary staffing services to the task force; and be it further

**Sec. 7. Compensation. Resolved:** That the legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. All other members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for attendance at authorized meetings of the task force; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 7, 2005, the task force shall submit an interim report that includes findings and recommendations, including suggested legislation, to the Second Regular Session of the 122nd Legislature. The task force is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report. No later than November 1, 2006, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, to the First Regular Session of the 123rd Legislature. The task force is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, if the task force requires a limited extension of time to complete its interim or final study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. Funding. Resolved:** That the Maine Emergency Management Agency shall transfer \$5,320 at the beginning of fiscal year 2005-06 and \$5,320 at the beginning of fiscal year 2006-07 to the Legislature to support the cost of the task force; and be it further

**Sec. 11. Task force budget. Resolved:** That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget; and be it further

**Sec. 12. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

#### LEGISLATURE

##### Miscellaneous Studies 0444

Initiative: Provides funds for the per diem and expenses for members of the Task Force to Study Maine's Homeland Security Needs as well as public hearings and other costs to support the meetings of the task force.

##### OTHER SPECIAL REVENUE

##### FUNDS 2005-06 2006-07

Personal Services	\$1,320	\$1,320
All Other	\$4,000	\$4,000

##### OTHER SPECIAL REVENUE

FUNDS TOTAL	\$5,320	\$5,320
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**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 23, 2005.

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Office of the Revisor of Statutes  
State House, Room 108  
Augusta, Maine 04333

[Contact the Office of the Revisor of Statutes](#)

## **APPENDIX B**

### **Membership List, Task Force to Study Maine's Homeland Security Needs**

# Task Force to Study Maine's Homeland Security Needs

<a href="#">Legislation</a>	<a href="#">Membership</a>	<a href="#">Agendas</a>	<a href="#">Meeting Summary</a>	<a href="#">Staff</a>
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## Members

### Appointment(s) by the Governor

**Paul Liebow**

Representing Public Interests

**Hugh Tilson**

Representing Public Interests

**Charles Updegragh**

Representing Public Interests

### Appointment(s) by the President

**Sen. Ethan Strimling - Chair**

Senate Member

**Sen. David R. Hasting III**

Senate Member

**Kimberly J. Boothby-Ballantyne**

Representing Public Interests

### Appointment(s) by the Speaker

**Rep. Stanley J. Gerzofsky - Chair**

House Member

**Rep. Richard B. Brown**

House Member

**Rep. Roderick W. Carr**

House Member

**Rep. Carol A. Grose**

House Member

**Dr. Lawrence Mutty**

Representing Public Interests



## **APPENDIX C**

**Agendas, Testimony Sign-In Sheets, Samples of Written Submitted Testimony**

**Agendas & Testimony Sign-in Sheets**

# **Task Force to Study Maine's Homeland Security Needs**

**First Meeting**

**October 17, 2005**

## **A G E N D A**

### **1. Convening of the Task Force and Introductions: 10:00 -10:15 am**

- Senator Ethan Strimling, Senate Chair
- Representative Stan Gerzofsky, House Chair

*A. Overview of the Task Force's duties, which include: Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security; and*

*B. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness.*

### **2. Panel Discussions: 10:15am to 3:00pm (working lunch)**

#### **⇒ Panel 1: State and County Level Planning for Defense & Emergency Preparedness (10:15-11:30)**

**Defense and Veteran's Affairs**

General Libby, Commissioner

**Maine Emergency Management Agency**

Art Cleaves, Director

**Department of Public Safety**

Michael Cantara, Commissioner

**Directors, County Emergency Management Agencies**

Robert Bohlmann, Director, York County EMA

Vernon Ouellette, Director, Aroostook County EMA

⇒ **Panel 2: Law Enforcement and Fire-Rescue (11:30-12:30)**

**Maine State Police**

Colonel Craig Poulin

**Maine Fire Marshal**

John Dean

**Maine Chiefs of Police Association**

Chief Jerry Hinton

**Maine Sheriff's Association**

Mark Dion, Cumberland County Sheriff and former President

**Maine Marine Patrol (DMR)**

Major John Fetterman, Deputy Chief

⇒ **Panel 3: Emergency Medical Services and Public Health (1:00-2:00)**

**Maine Emergency Medical Services**

Jay Bradshaw

**Bureau of Health**

Dora Mills

**Southern Maine Red Cross (and liaison for MEMA)**

Suzanne McCormick

⇒ **Panel 4: Federal Perspective on Homeland Security & Emergency Preparedness (2:00-3:00)**

**U.S. Attorney's Office, District of Maine**

Paula Silsby, USA

**Senator Collins' Office**

Jon Nass, Counsel to the Committee on Homeland Security and Governmental Affairs

**3. Public Comment: 3:00 - 4:00pm**

- Protocol for hearing testimony will be announced. Protocol may include a time limit for those testifying based on the number of people intending.

**4. Task Force Work Session and Planning: 4:00-5:00pm**

- Identify questions to focus the work of the task force and guest presentations.
- Discuss the public hearings outside of Augusta. How many and where?
- Work plan for the remaining meetings and priorities for the next meeting.

10/17/05  
Augusta

## TESTIMONY

Name

Organization

For or Against

MG Bill Libby	Commissioner Defense, Veterans and Emergency	
ARTHUR CLEVES	DIRECTOR MAINE EMERGENCY MANAGEMENT	
MICHAEL P. CANTARA	COMMISSIONER DEPT. OF PUBLIC SAFETY	
Robert C Bohlmann	DIRECTOR YORK County EMA	
VERNON R. Chellette	Director Androscoggon County EMA	
JOHN C. DEAN	STATE FIRE MARSHAL	
JOHN C. FETTERMAN	MAJOR MAINE MARINE PATROL - DMR	
CHIEF PAULIN	Chief Maine State Police	
Jerry A. Hutton	Maine Chief of Police Brunswick Police Department	
Darrel Fournier	Maine Fire Chief Maine Fire Commission	
MARK DION	Cumberland Co. Sheriff	

## TESTIMONY

Name

## Organization

## For or Against

[illegible]

## TESTIMONY

Name

## Organization

## For or Against

[illegible]

# **Task Force to Study Maine's Homeland Security Needs Second Meeting**

**November 17, 2005**

**Located at the Brunswick Municipal Meeting Facility (the Old High School)  
in Council Chambers (see Directions on last page)**

## **A G E N D A**

### **1. Convening of the Task Force and Introductions: 3:00 -3:10 pm**

- Senator Ethan Strimling, Senate Chair
- Representative Stan Gerzofsky, House Chair

*A. Overview of the Task Force's duties, which include: Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security; and*

*B. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness.*

### **2. Panel Discussions: 3:15pm to 5:45pm**

#### **❖ Panel 1: 3:15-4:30**

**Maine Emergency Management Agency**  
Art Cleaves, Director

**State Office of Information Technology**  
Richard B. Thompson, Chief Information Officer

**Cumberland County Manager**  
Peter Crichton

**Brunswick Town Manager**  
Don Garish

**Homeland Security Coordinator for City of Portland**  
Fire Chief Fred LaMontagne



**⇒ 10 Minute Break**

**❖ Panel 2: 4:40-5:45**

**Regional HAZMAT Director**  
Clark Labbe

**Sagadahoc County EMA**  
Rusty Robertson, Director

**Maine Emergency Management Agency**  
Art Cleaves, Director

**Brunswick Police Department**  
Chief Jerry Hinton

**Brunswick Public Works Department**  
John Foster

**❖ 30 Minute Dinner Break**

**3. Public Comment: 6:15 - 8:15pm**

- Protocol for hearing testimony will be announced. Protocol may include a time limit for those testifying based on the number of people intending.

**4. Task Force Preparations for the Next Meeting: 8:15-9:00pm**

- Identify questions to focus the work of the task force and guest presentations.
- Work plan for the remaining meetings and priorities for the next meeting.

11/17  
Brunswick

Testimony

Sign-in Sheet

Name

Town

Dolores Vail  
DEXTER KANIEWICZ  
Joanne G. Potvin  
Kevin Guimond  
Jeff Temple  
Sandra Parker  
JOHN CANNON  
PAUL WEISS  
Anthony Tomassoni  
Shawn Baglio  
George Flaherty  
Jade Milette

Yarmouth  
ORRIS ISLAND  
Lewisston  
South Portland  
South Portland  
Maine Hospital Association  
PORTLAND  
Cumberland  
Cape Elizabeth  
PORTLAND  
Cumberland County  
Brunswick

# Sign Up Sheet

Name

Town

DANIEL OPPENHEIM MD  
JO LINDEN MD

FALMOUTH  
Falmouth

**Task Force to Study Maine's Homeland Security Needs  
Third Meeting  
November 21, 2005  
Oxford Hills High School in the Forum Room (Directions Attached)**

**A G E N D A**

**1. Convening of the Task Force and Introductions: 3:00 -3:10 pm**

- Senator Ethan Strimling, Senate Chair
- Representative Stan Gerzofsky, House Chair

*A. Overview of the Task Force's duties, which include: Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security; and*

*B. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness.*

**2. Panel Discussions: 3:15pm to 5:45pm**

**❖ Panel 1: 3:15-4:30**

**Maine Emergency Management Agency  
Art Cleaves, Director**

**Maine Medical Center  
Steven Trockman, Director Southern ME Regional Resource Center**

**Stephens Memorial Hospital  
Kathy Bonney, Vice President of Performance Improvement**

**Bridgton Hospital  
Pam Crawford, Emergency Room Manager**

**Bridgton Fire Department  
Thomas Harriman, Chief**

**⇒ 10 Minute Break**

**Panel 2: 4:40-5:45**

**Maine Emergency Management Agency  
Art Cleaves, Director**

**Oxford Hills School District  
Mark Eastman, Superintendent**

**Oxford County EMA  
Scott Parker, Director**

**Otisfield Fire Department  
Gary Dyer, Chief**

**Rumford Fire Department  
John Woulfe, Chief**

**❖ 30 Minute Dinner Break**

**3. Public Comment: 6:15 - 8:15pm**

- Protocol for hearing testimony will be announced. Protocol may include a time limit for those testifying based on the number of people intending.

**4. Task Force Preparations for the Next Meeting: 8:15-9:00pm**

- Identify questions to focus the work of the task force and guest presentations.
- Work plan for the remaining meetings and priorities for the next meeting.

## **DIRECTIONS TO NORWAY/PARIS**

### **Oxford Hills Comprehensive High School**

### **Meeting in the Forum Room**

#### **From Maine Turnpike Exit 11 in Gray**

Turn right out of the exit and go to the traffic lights in Gray village. Turn left at the first light, then left again at the second light, traveling North on Route 26. Oxford Hills Comprehensive High School is approximately 25 miles from Gray, and is located at the intersection of Routes 26 and 117 on the town line between Norway and Paris.

#### **From Maine Turnpike Exit 12 in Auburn**

Turn right out of the exit onto Washington Avenue (Routes 4 and 202) and travel South approximately one mile, turning right onto Route 122. Travel approximately five miles to the intersection of Route 122 and Route 26 in Poland. Turn right on Route 26, and travel North on Route 26 to Norway-Paris (see above).

Or, turn left out of the exit onto Washington Avenue (Routes 4 and 202) and travel North into Auburn. At the intersection of Routes 4/202 and 11/121, turn left onto Minot Avenue (Routes 11/121) next to "Roy's All-Steak Restaurant. Follow Route 121 through Minot and Mechanic Falls to Route 26 in Oxford. Turn right onto Route 26 and travel North to Norway-Paris (see above).

#### **From Lewiston/Auburn**

Crossing the bridge from Lewiston's Main Street to Auburn's Court Street, turn left onto Minot Avenue (Routes 4/202 and 11/121) across from Denny's Restaurant. Follow Route 121 through Minot and Mechanic Falls to Route 26 in Oxford. Turn right onto Route 26 and travel North to Norway-Paris (see above).

#### **From Augusta**

Use the Maine Turnpike to Exit 12 in Auburn and follow directions above; Or, use Route 202 into Lewiston and follow directions above; Or, from the Augusta/Winthrop exit on Route 95, take Route 202 South approximately 7.4 miles to Winthrop. Take Route 133 North from Winthrop to Wayne. After passing through the village of Wayne, turn left (just after Harpo's Emporium) onto Route 219 toward Turner and West Paris. Travel Route 219 approximately 9.3 miles to the intersection of Routes 219 and 4 in Turner. Turn left on Route 4 and travel South approximately 5.2 miles before turning right to reach Route 117 (across from Murray's Truck Stop and the Northland Plaza). Follow Route 117 South 15.7 miles through Buckfield village and over Streaked Mountain to Market Square in South Paris. Turn left at Market Square, where Route 117/118 joins Route 26. Follow Route 26 South to Oxford Hills Comprehensive High School, one mile from Market Square.

#### **From Farmington**

Follow Route 4 South through Jay and Livermore to Turner. In Turner, take Route 117 South through Buckfield to Market Square in South Paris (as above, from Augusta). The entrance to Oxford Hills Comprehensive High School is located on the South side of Main Street (Routes 26 and 117) in South Paris. Turn right at the traffic light at the intersection of Routes 26 and 117, and enter school property about 100 yards from the light.

11/21  
Oxford Hills

# SIGN-IN SHEET

NAME

TOWN

Joshua Krave	
Peter Wille	Sebang
Wayne Gullant	Sebang
Alex McPhedran	MSFF
Craig Field	Yar
David Lyons	Bridgeton
Marion Russell	Norway
Julia Peterson	" "
Diane Russell	Bryant Pond
Justin Corey	Norway

**Task Force to Study Maine's Homeland Security Needs  
Fourth Meeting  
November 29, 2005  
Rockland City Hall, Council Chambers (Directions Attached)**

**A G E N D A**

**1. Convening of the Task Force and Introductions: 3:00 -3:10 pm**

- Senator Ethan Strimling, Senate Chair
- Representative Stan Gerzofsky, House Chair

*A. Overview of the Task Force's duties, which include: Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security; and*

*B. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness.*

**2. Panel Discussions: 3:15pm to 5:45pm**

**❖ Panel 1: 3:15-4:30**

**Maine Emergency Management Agency**  
Art Cleaves, Director

**Hancock County EMA**  
Ralph Pinkham, Director

**Knox County EMA**  
Sylvia Birmingham, Director

**Center for Emergency Preparedness & Eastern ME  
Regional Resource Center**  
Kathy Knight, Director

**Office of U.S. Senator Susan Collins**  
Kathy Kraninger, Professional Staff



**⇒ 10 Minute Break**

**Panel 2: 4:40-5:45**

**Maine Emergency Management Agency**

Art Cleaves, Director

**U.S. Coast Guard**

Captain Stephen Garrity, expected to attend

**Rockland Harbor Master**

Ed Glaser

**Red Cross**

Suzanne McCormick, Liaison for State Relations and

Director of Southern ME Red Cross

**Knox County Regional Communications Center**

Linwood Lothrop, Director

**❖ 30 Minute Dinner Break**

**3. Public Comment: 6:15 - 8:15pm**

- Protocol for hearing testimony will be announced. Protocol may include a time limit for those testifying based on the number of people intending.

**4. Task Force Preparations for the Next Meeting: 8:15-9:00pm**

- Identify questions to focus the work of the task force and guest presentations.
- Work plan for the remaining meetings and priorities for the next meeting.

# Rockland Testimony Sign In Sheet

11/29

Name	Town
Sally Farrand	Beaver Cove + Augusta
Jennifer Hill	Rockland
Adam Miceli	Rockland
Jonathan D. Ward	St. George
STEVIE BURGE	WARREN
Chief Phil Roberts	Camden P.D.
Jeff Evangelos	Friendship
Bonnie Prosen	Blue Hill
Gretchen Cuffe	
Kaina Rippe	Portland
Steve Gibbons	Camden
CHARLES D. JORDAN, Jr.	ROCKLAND
Auflossy Tomassoni	Cape Elizabeth

**Task Force to Study Maine's Homeland Security Needs**  
**Fifth Meeting**  
**January 6, 2006**  
**Presque Isle, City Hall (3<sup>rd</sup> Floor), Directions Attached**

**A G E N D A**

**1. Convening of the Task Force and Introductions: 3:00 -3:10 pm**

- Senator Ethan Strimling, Senate Chair
- Representative Stan Gerzofsky, House Chair

*A. Overview of the Task Force's duties, which include: Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security; and*

*B. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness.*

**2. Panel Discussions: 3:15pm to 5:45pm**

**❖ Border Patrol/Security Issues Panel**

**Maine Emergency Management Agency**  
Art Cleaves, Director

**U.S. Border Patrol**  
Monte J. Bennett, Assistant Chief Patrol Agent

**U.S. Customs & Border Patrol**  
David Grant, Port of Entry Area Director

**Presque Isle Police Department**  
Naldo Gagnon, Chief

**Fort Fairfield Police Department**  
Joseph Bubar, Chief

**❖ 30 Minute Dinner Break**

**3. Public Comment: 6:15 - 8:15pm**

- Protocol for hearing testimony will be announced. Protocol may include a time limit for those testifying based on the number of people intending.

**4. Task Force Preparations for the Next Meeting: 8:15-9:00pm**

- Identify questions to focus the work of the task force and guest presentations.
- Work plan for the remaining meetings and priorities for the next meeting.

Jan 6, 06

Presque Isle Testimony Sign-In  
Homeland Security Task Force

Print  
Name

Organization

Nade Gagnon

Presque Isle Police Dept.

Tommy Beaulieu - Fuller

The Anostok Medical Center

Anthony Toussaint

Northern New England Prison, Ct.

Rudy Martin

Fort Kent Fire + Rescue

Norman MCYR

Madawaska Fire Dept.

**Task Force to Study Maine's Homeland Security Needs  
Sixth Meeting  
January 9, 2006  
Saco City Hall, 300 Main Street**

**A G E N D A**

**1. Convening of the Task Force and Introductions: 3:00 -3:10 pm**

- Senator Ethan Strimling, Senate Chair
- Representative Stan Gerzofsky, House Chair

*A. Overview of the Task Force's duties, which include: Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security; and*

*B. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness.*

**2. Panel Discussion: 3:15pm to 5:45pm**

**❖ Public Health Emergency Preparedness Panel**

**Maine Emergency Management Agency**

Art Cleaves, Director

**Maine Center for Disease Control**

Dora Mills, Director

**Central Maine Medical Center**

Dr. Larry Hooperstead, Chief Medical Officer

**Parkview Hospital**

Ted Lewis, President/ CEO

**Maine Primary Care Association**

Kevin Lewis, Executive Director

**Homeland Security Coordinator for City of Portland**

Fire Chief Fred LaMontagne

**❖ 30 Minute Dinner Break**

**3. Public Comment: 6:15 - 8:15pm**

- Protocol for hearing testimony will be announced. Protocol may include a time limit for those testifying based on the number of people intending.

**4. Task Force Preparations for the Next Meeting: 8:15-9:00pm**

- Identify questions to focus the work of the task force and guest presentations.
- Work plan for the remaining meetings and priorities for the next meeting.

Print  
NAME

SACO

TESTIMONY SIGN-IN SHEET

Affiliation

LINDA VALENTINO  
Bob Boikard

State Rep.  
-SRCC-

David Adams, M.D.  
NEIL ROLFE

Physicians for Social Responsibility  
Yor, ME City  
City of Portland

Julie Sullivan

JIM MAIER, M.D.

Jeffrey Peterson, MD.

Jim Dutton

ARC of Sex Mgmt

Steven Trockman

SMRRC / MHC

PAUL WEISS

SMBRE

Ron Deprez

PHORB



**Task Force to Study Maine's Homeland Security Needs  
Seventh Meeting  
January 13, 2006  
Bangor Town Hall, Council Chambers (Directions Attached)**

**A G E N D A**

**1. Convening of the Task Force and Introductions: 3:00 -3:10 pm**

- Senator Ethan Strimling, Senate Chair
- Representative Stan Gerzofsky, House Chair

*A. Overview of the Task Force's duties, which include: Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security; and*

*B. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness.*

**2. Panel Discussions: 3:15pm to 5:45pm**

**❖ Communications Panel Discussion**

**Maine Emergency Management Agency**  
Art Cleaves, Director

**State Office of Information Technology**  
Richard B. Thompson, Chief Information Officer

**Department of Public Safety**  
Michael Cantara, Commissioner

**Air National Guard**  
Harry Marsters, II Chief Master Sergeant

**Bangor Fire Department**  
Jeffrey Cammack, Chief

**Homeland Security Coordinator for City of Portland**  
Fred LaMontagne, Fire Department Chief

**❖ 30 Minute Dinner Break**

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Task Force Sign-in Sheet  
1/13/06 - Bangor

Print

NAME

Representing

Geoff Gratwick

P.S.R / self

SFC Chris Hopper

11<sup>th</sup> Civil Support Team

Gerald Olson

Jonathan Bogue

EMMC

Tom Robertson

Penobscot EMA

Noel C. March

University of Maine

Eric A. Steele, RD

Eastern Maine Healthcare  
Systems

Victorie Stearns

Maine Maritime Academy

Kathy Knight

NE-MARRC

AL LARSON

ORONO

Bethanie Mercier

Sebastcook Valley Hospital

Anthony Comassoni

Maine Medical Ctr. / UNEPC

Gindy Rivers

Self

Gary R. Currier Jr

Amateur Radio

Leo Huffer

Mayor

Raina Rippel

PSR Maine

## **Samples of Written Testimony**

**TESTIMONY of SENATOR BETH EDMONDS**  
To the Task Force on Maine's Homeland Security Need  
Thursday, November 17, 2005

Senator Strimling, Representative Gerzofsky and members of the Task Force to Study Maine's Homeland Security Needs, thank you for taking public comment during your meeting this evening. My name is Beth Edmonds, and I represent Brunswick, Freeport and Pownal in the Maine State Senate.

I sponsored the legislation that created this Task Force, and I am happy to see that this group is up and running and especially pleased that you are making the effort to seek out information from local officials and the public on this issue.

Maine has great, hard-working public safety workers who we rely on every day to protect us from harm. But we have come to realize in the last few years that simply having great workers is not enough when we're faced with the potential scale of tragedies like the 9/11 terrorist attacks, Hurricane Katrina and potential medical crises of natural or man-made origin.

The people who protect us from every-day kinds of harm need thorough plans and appropriate equipment and training to deal with major disasters. They need our support, both financially and emotionally. All levels of government have some responsibility in this planning and funding effort – towns and even the State can't do it all alone – but someone needs to be the coordinating authority for all of this effort.

I see the work of this Task Force to be to listen to the people who have responsibility in disasters – the firefighters, police, medical personnel, emergency management officials and other state and local officials – to understand the potential risks to our safety, to understand what's needed to minimize the risks and to deal with disasters we can't prevent, and to seek potential funding sources, and ensure that Maine has the best possible resources for dealing with our security.

I also see an important public education function for the Task Force. I think that involving the public in learning about risks and needs can help people prevent and to prepare for possible disasters.

I am sorry that I can't be present to listen to comments and your discussions. This is an important issue to the people of my Senate district and to the entire State. I look forward to reading your report and recommendations.

**TESTIMONY**  
of Arthur W. Cleaves  
Director, Maine Emergency Management Agency  
before the  
Task Force to Study Maine's Homeland Security Needs  
October 17, 2005

Senator Strimling, Rep. Gerzofsky, members of the Task Force to Study Maine's Homeland Security Needs

My name is Art Cleaves, and I have been the Director of the Maine Emergency Management Agency, better known as MEMA, since late 1999.

It is my privilege to direct a professional staff in what I have come to know is one of the most demanding and least understood professions in all of government.

Emergency Management is defined as the organized analysis, planning, decision making, and assignment of available resources to mitigate, prepare for, respond to, and recover from the effects of all hazards. That definition is important to understand. "All hazards" means everything from floods to acts of terrorism. And you'll note that emergency management doesn't just do preparedness and response. It also looks at ways to reduce or eliminate hazards (mitigation, or prevention) and at the long road to recovery from a disaster. Putting the pieces back together is a long process that goes on for many months and years after an event disappears from the headlines.

If you have not already done so, I invite each of you to visit MEMA in Augusta and the County Emergency Management Agency in your county to get a sense of what is involved in emergency management every day.

Emergency management in Maine has a coordinated rather than a command structure. MEMA is a bureau of the Department of Defense, Veterans and Emergency Management. By statute, I serve at the pleasure of the Commissioner. In this administration, I have been given wide latitude to work directly with the Governor's office, an arrangement that allows for effective communications and coordination.

Each county in Maine maintains an Emergency Management Agency with a professional director. This regional coordination is critical in this state with its vast geography, and economic and cultural diversity. Each County EMA is resourced as determined by the County Commissioners. MEMA provides matching funds from the Federal Emergency Management Agency (FEMA). County EMAs in Maine range from a high of 4 and a half paid staff to a low of one full-time Director with no support staff, or one half-time Director with a half-time clerk. Some Directors are only half-time, and some have the dual responsibility of directing the County's communications center. Salaries also vary widely. Although MEMA has no direct statutory authority in the hiring of County Directors, many counties in the last several years have asked for our assistance in the interview and selection process.

MEMA also has no direct authority in the day-to-day functions of the County agencies. As a funding source, we negotiate each year a work plan, and require reports on the

status of that work plan every quarter. Work plans vary in complexity based on the resources available in the county.

In recent years, additional duties such as providing support to Local Emergency Planning Committees, coordinating disaster and mitigation grants, and coordinating homeland security activities within the counties have devolved upon County Directors, with little additional funding available to support those activities.

County Directors and their staffs in turn work with Local Emergency Management Directors. By statute, every municipality in the state is required to appoint an EMA Director. In practice, this is generally an additional duty assigned to the Fire Chief or another town official. In some communities, town EMA Directors are extremely active and effective. In others, they are not. Counties do not have any direct authority over communities, and build effective local networks through voluntary coordination and cooperation.

In years past, there was sufficient federal money through FEMA to be able to supply matching funds for EMA to local communities. For the past several years, however, that has not been possible, and funds have been passed through to the County level only. Counties creatively use incentives such as free training, or assistance with grant applications, to encourage the active cooperation of communities.

#### **All-Hazard Approach:**

Emergencies come in all types, from floods to chemical spills to deliberate acts of destruction. What does not change is the faces of the responders who arrive at the scene, and the response structure they are a part of.

For that reason, an all-hazard approach to emergency management has long been the standard across the county and here in Maine. Each type of hazard may make slightly different demands on responders and officials, but each is managed in the same way.

The difference types of hazard faced in a security emergency are no different. From a response point of view, a collapsed building is a collapsed building, whether it falls because of an earthquake or a bomb. A chemical incident is a chemical incident whether it comes from a truck rollover or a deliberate act. A security emergency carries with additional responsibilities for law enforcement, and the coordination between fire and rescue folks with law enforcement is one that has been enhanced by working through homeland security scenarios.

A deliberate act could pose a threat from Chemical, Biological, Radiological, Nuclear or Explosive agents. This is a challenge for first responders, and the medical community as a whole. We have built on Maine's network of regional hazardous materials responders, which by the way owes much to the participation of private industries who have committed in-house teams to responding off-site. In addition, we have provided training and additional protective gear to law enforcement, and EMS responders, and provided training and decontamination equipment to Maine's hospitals.

Maine has been a leader in adopting the Incident Command System in the state, a common incident management system that allows different departments, different disciplines, and even responders from different states to mesh together in a response.

ICS is the base of the National Incident Management System, which has been formally adopted by the state.

### **Homeland Security:**

General Libby has described the timeline of homeland security programs and funding in Maine. [We have provided you with a summary of the grant process for 1999 through 2004]. When Maine finally began to receive homeland security funding, the State, through a collaborative process, decided to first build response capacity on the platform of hazardous materials response teams throughout the state. 1999-2003 Part I dollars were aggregated, and used to build up existing hazmat teams to a standardized level, both in terms of equipment and training. For these grants, equipment was purchased by the State, and signed over to locals.

Beginning with a supplemental allocation of \$15.2 million in 2003, and continuing through 2004 allocations \$22.4 million, the State allocated funds directly to our larger cities and towns, and also to regional pools established at the County level. These county pools were intended for regional projects that would benefit the smallest of communities as well as the largest. All jurisdictions were required to submit applications for funding, although they had specific amounts allocated to them. A multi-disciplinary committee was established to review the applications for adherence to all federal guidelines, as well as to the Governor's directive to develop all-hazard response capability including homeland security, and to encourage regional cooperation. These grants were administered as reimbursement grants; once a project was approved, the jurisdiction would expend the funds and be quickly reimbursed. I also need to credit County EMAs; most of them convened committees and reviewed grants to ensure that there was no unnecessary regional redundancy, and that regional priorities were being met.

It should be noted that 2003 Part II and 2004 grant funds carried with them the requirement for an "80/20" split. 80% had to be allocated to county or local agencies, and 20% could be spent by state agencies or on statewide initiatives. At the state level, that meant that, in 2004 for example, approximately \$3.5 million was available for statewide projects, for which we had nearly \$7 million in applications.

In 2005, the grant allocation to Maine was reduced back to \$14.7 million. At the same time, it was determined that with two rounds of funding having been dedicated to improving overall response capacity statewide, attention should now be targeted on Maine's overall homeland security objectives and strategies. Accordingly, the 2005 grants are being administered on a statewide competitive basis. Applications were solicited statewide, and are currently being reviewed against a standard checklist that includes [LIST] in its criteria. We received almost \$36 million in applications for available funds totaling just over \$11 million.

With 2006 grant allocations at this point greatly reduced to \$7.13 million, we anticipate that this competitive process will again be used.

### **Homeland Security Strategy:**

Since May of 2002, we have working in the nine objective areas identified by our multi-discipline, multi-jurisdiction group. We have made much progress, but much remains to



be accomplished. These unmet needs will guide the grant process for 2005 grant dollars.

Accomplishments	Shortfalls
<b>1) Identify Threats and Vulnerabilities:</b>	
Identified all principal vulnerable facilities (100 overall, 30 top concerns), continue to work on security plans;	School security, gathering places. Identification of vulnerability is an ever-changing task, and we continue to analyze those vulnerabilities.
<b>2) Prepare First Responders:</b>	
\$62 million in grants, primarily to first responders. Vast improvements in hazardous materials response (hazmat) detection, containment, decontamination equipment and training. Personal protective equipment (PPE) for every firefighter, EMS responder, law enforcement officer in the state. Trailers, prime movers. Training and exercise; Added 3 full Hazmat teams, 8 decontamination strike teams. For law enforcement we have provided SWAT equipment, Mobile Data Terminals, dispatch and records management software. For medical response mass casualty equipment and hospital decontamination (42 units). Bomb teams: additional assets for MSP team, new teams in Bangor and Portland, Medical Strike team (MMRS), Agriculture teams; Marine Patrol watercraft, Mobile Command Vans (4); Communications SUVs in strategic locations	We still do not have 1 hour response time in all areas of the state for hazmat response. We need 12 to 14 additional strike or full hazmat teams; agri-terrorism preventive and preparedness capability, personnel funding (federal restrictions and state cuts); additional medical teams
<b>3) Upgrade/Integrate Communications Networks:</b>	
We have made a start with upgrading mobile and portable radios statewide, improving towers, repeaters, antennas, consoles, and dispatch software. All radios purchased are programmable and will integrate with new backbone system.	Protocols have not fully been established and defined. It will take significantly more funding to create totally interoperable systems (20 million for 5 years). We need to expand the capacity of existing Mobile command vans, and communications SUVs, add more smaller vehicles, and SAT phone coverage.
<b>4) Secure Infrastructure and Institutions</b>	
Please see Objective #1. While these two were listed separately, they are part of the same issue.	
<b>5) Strengthen Response and Recovery</b>	
Many issues are the same as Objective #2, above. We take an all-hazards approach. 15 CERT teams. Pilot program in York County created mass casualty response capacity that can cover the entire county. Pilot program in Aroostook County networked security cameras county-wide to expedite multi-jurisdictional response. Some urban search and rescue; collapsed structure training and equipment.	Need 100 CERT teams; this takes funding but also training time and partnerships. Evacuation planning, sheltering, pet-friendly shelters, donations management, recovery planning (neglected everywhere) all need more work. This will take more people. Increased urban search and rescue/building extraction capability is needed.
<b>6) Align Roles and Responsibilities:</b>	
HS Advisory Council created to maximize coordination. Worked with a number of departments to define their roles. This will inform future funding decisions.	Complete the task and define everyone's role, including policy-makers, in particular local officials, so everyone knows what they can do, including citizens
<b>7) Strengthen Public Health Preparedness</b>	
Bureau of Health has the lead, and we yield to him to supply the details. We see substantial increased capability in this area, including a comprehensive Health Alert Network, teams of epidemiologists, regional response centers	
<b>8) Secure Political and Financial Support:</b>	
Close relationship with Congressional delegation; Sen. Collins committee staff, NEMA, etc.	Engage public officials at all levels. Local officials change every year, the Legislature every two. This

	is a never-ending responsibility.
<b>9) Inform and Engage the Public:</b>	
Accomplishments: Deaf alerting system, integrated network of alerts and warnings, NOAA weather radio MOU; aligning public education messaging with events.	Full public education campaign to counter the "CNN effect" (national messages and concerns may not be applicable to Maine but get substantial media attention). We encounter citizen apathy as well as undue concern.

## **Grant Administration:**

Although I believe we have used homeland security grant funds wisely here in Maine, I continue to be frustrated by the grant process at the federal level. There is a distinct lack of timeliness in the delivery of awards from the federal to the state level. Also there is a profound lack of efficiency in the grant process itself, which is cumbersome and badly designed. The reporting requirements in particular are overbearing and collect little useful information. I fully support the need for accountability, but it need not be accomplished with the sacrifice of efficiency.

DHS need look no further than the Emergency Management Performance Grants (EMPG) which is the matching grant by which FEMA has provided operating funds to the states for many years. The EMPG grant process was both flexible and provided full accountability. Ironically but predictably, when DHS took over management of the EMPG in 2004, the process became bureaucratic and unworkable.

I was privileged to be able to make comments in this vein before the Senate Governmental Affairs Committee in 2003, but even Senator Collins's positive influence has been sufficient to persuade DHS to adopt a more effective grant administration strategy.

## **State Funding:**

As you have learned, most of MEMA's positions are funded 50/50, federal and state. In the 04/05 budget cycle, all State departments were asked to make significant funding cuts. MEMA's contribution was to apply more federal dollars to the personnel costs for several key staff members. We were able to do this because of some one-time federal grant dollars which could support those staff members. In the 06/07 process, those General Fund cuts were continued. We are at a crossroads with funding, as our ability to support those personnel with federal dollars is drawing to an end.

## **Current Issues and Activities:**

MEMA and County and Local emergency managers continue to work to implement Maine's Homeland Security Strategy. This includes grant administration, planning, and training and exercise.

We also work with our Congressional delegation, the National Emergency Management Association (NEMA) and the International Association of Emergency Managers (IAEM) to advocate for adequate federal funding and flexible yet accountable grant requirements.

We see public information and education, including education of public officials, as a critical and never ending task. Local officials in Maine change yearly, and even officials at your level are hearing details about some of these issues for the first time.

Real life throws challenges at the emergency management community every day. At the moment we are coordinating Maine's response to the Gulf States through the Emergency Management Assistance Compact (EMAC), and coordinating support to hurricane evacuees who have made their way to Maine. We are administering three years worth of Homeland Security grants, and a federal declared disaster for flooding this spring. Flooding this month has prompted the need for emergency response and damage assessment. And as always, there are ongoing planning, training, exercise and mitigation activities.

Emergency management works with many partners in coordinating these activities. What we bring to the table is the coordinating element. Whether it is a flood or a security emergency, it's our charge to bring the pieces together.

### **Conclusion:**

The merger of homeland security with emergency management in Maine just makes sense. The same responders respond to all events, the same network exists between state, county and town emergency managers, officials and responders.

It is voiced frequently that Maine has very little homeland security risk. My response is this: Is it probable that Al Qaeda will choose Maine as a point of attack? Though an enemy from outside might regard our long borders and coastline as easy ports of entry into the United States, we don't run the same level of risk as New York City. But have there been weapons in schools in Maine? Yes. Have there been bomb threats and bombs exploded in Maine? Yes. Has there been workplace violence in Maine? Yes. The same specialized skills and equipment that we might need to respond to an attack planned by a foreign enemy, we need every day in this state, as in all others. Violence is no respecter of statistics, or probability. Neither is Nature.

We also have seen our trained responders deployed to the World Trade Center, and to Florida. Louisiana and Mississippi. We are partners with our fellow states, and neighboring Canadian provinces and should be prepared at all times to assist them, as they are to assist us.

Emergency management is the most appropriate "backbone" for the coordination of preparedness, response, recovery, mitigation and prevention activities at each level of government. For us to be most effective, we need to continue to increase our own professional expertise, certainly. But we also need the appropriate resources to do the job. Those resources include people, training, equipment and facilities.

Thank you for the opportunity to participate today. I will be happy to answer any questions, now or in the future, and reiterate my invitation to visit our facility, and any County emergency management agency in the state.

# Closing Maine's Homeland Security Gap: A ROADMAP TO GET THERE.

After 9/11, a new concept called Homeland Security was introduced to the American people. Tens of millions of dollars were allocated—or reallocated from other emergency preparedness efforts—to protect us from another terrorist attack.

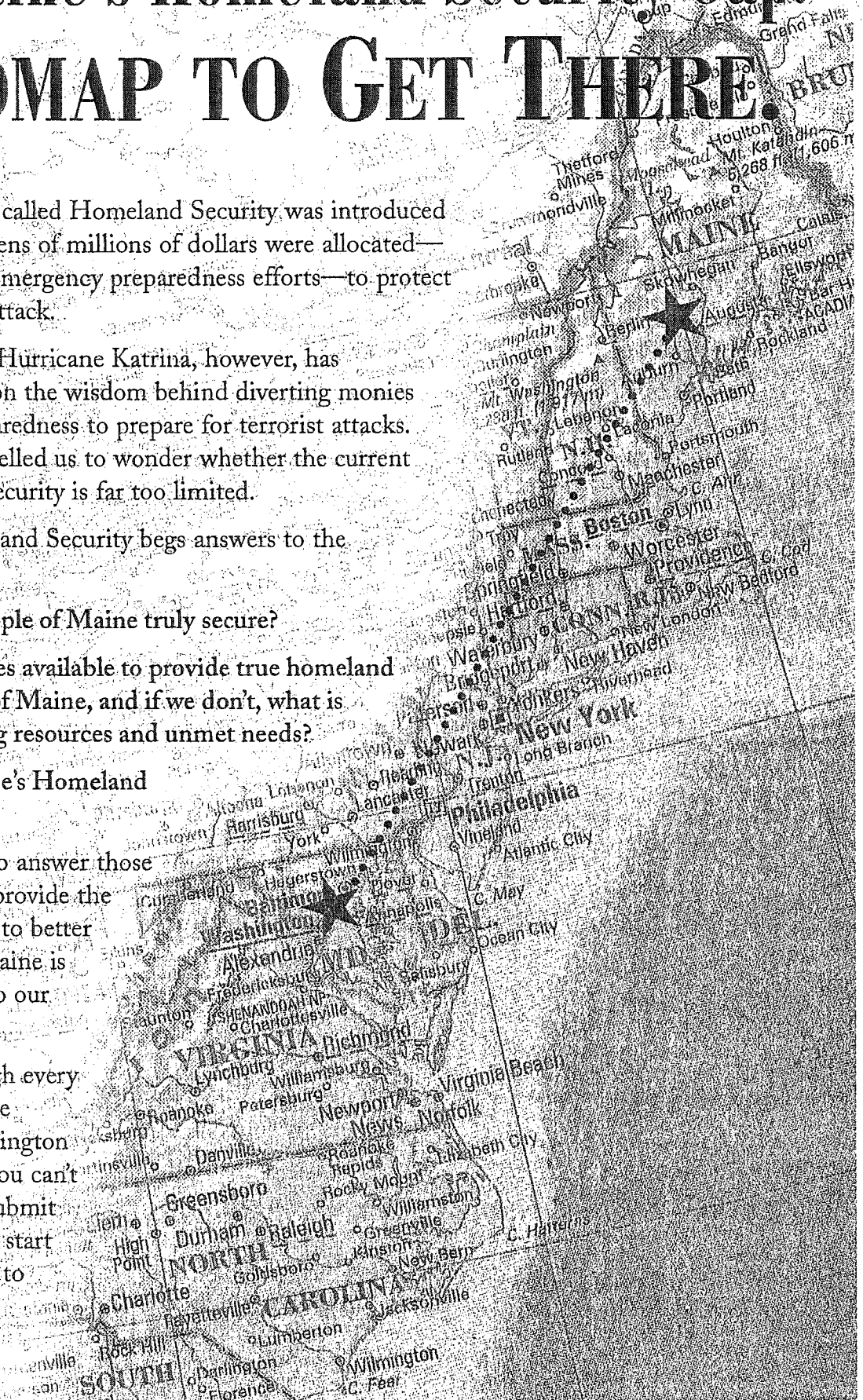
The recent devastation of Hurricane Katrina, however, has compelled many to question the wisdom behind diverting monies from natural disaster preparedness to prepare for terrorist attacks. More broadly, it has compelled us to wonder whether the current definition of Homeland Security is far too limited.

For us, the issue of Homeland Security begs answers to the following three questions:

1. What will make the people of Maine truly secure?
2. Do we have the resources available to provide true homeland security for the people of Maine, and if we don't, what is the gap between existing resources and unmet needs?
3. How can we close Maine's Homeland Security gap?

This document attempts to answer those three basic questions and provide the task force with a roadmap to better ensure our citizens that Maine is ably prepared for threats to our homeland security.

Our roadmap leads through every town in Maine, to our state capital, and as far as Washington DC. For those who say, "you can't get there from here," we submit that we must. The time to start is right now and the place to start, right here.





## Our Starting Point: A NEW DEFINITION FOR HOMELAND SECURITY

*What will make the people of Maine truly secure?*

We will never forget the horrors of 9/11 and strongly support efforts to equip emergency responders on the state and local level with the tools and resources they need to avert or mitigate the affects of another terrorist attack.

We believe, however, that preparing for a terrorist attack is but one part of Homeland Security. The lessons of this past hurricane season, and recent natural disasters like the Pakistani earthquake and last year's tsunami, tragically illustrate that the devastation from mother nature can match and even surpass those that are terrorist induced.

Meanwhile, the specter of a bird flu pandemic that could overwhelm our health infrastructure is now of growing concern to public health and governmental officials.

Homeland security needs to be about being prepared for these emergencies, crises, and disasters.

In Maine, we have been fortunate so far to have missed the more powerful hurricanes that have been wreaking havoc on the south. But are we ready when one does? Are we prepared for another ice storm, flooding rivers or blizzard of a larger magnitude than we have experienced before? Are we equipped to combat a new epidemic?

When we can confidently answer those questions in the affirmative, then the people of Maine can feel they have true homeland security.

We have a long way to go.

## A Wrong Turn: THE GAP IS WIDENING

*Do we currently have the resources to provide true homeland security for the people of Maine, and if we don't, what is the gap between existing resources and unmet needs?*

Despite the impressive efforts of local and state officials and the growing cooperation between them, there is woefully insufficient funding available for them to provide true homeland security to Maine citizens.

Moreover, the federal government has taken a wrong turn and exacerbated matters by proposing a substantial cut in fiscal year 2006 homeland security funding for Maine.

In fiscal year 2005, Maine received a total of \$23.8 million for Homeland Security. That \$23.8 million included \$14.7 million to the Maine Emergency Management Agency (MEMA) for emergency management infrastructure and training for public officials and first responders, and \$9.1 million to the Bureau of Health for public health emergency preparedness.

According to estimates by both MEMA and the Bureau of Health, a combined total \$33 million per year is required to minimally meet Maine's most basic Homeland Security needs. MEMA estimates it would need \$22 million per year and the Bureau of Health \$11 million per year.

While the \$23.8 million Maine received this year already falls \$9.2 million short of the mark the state annually needs, the news gets even worse. For fiscal year 2006, the \$23.8 million will likely be cut in half and possibly more.

**The proposed drastic cuts project to a Maine Homeland Security Gap of approximately \$21 million per year.**

The gap, in truth, is likely much more, and will only get worse if federal cuts continue in the direction they are heading.

The simple fact is that the gap between what we have and what we need is enormous and it is widening. We must change course.

## Our Final Destination: WASHINGTON DC

### *How can we close Maine's Homeland Security Gap?*

There are those who may argue the money is not there to provide our citizens with true homeland security. We strongly disagree. The money is there. It is just being spent the wrong way. Consider that:

- **If the \$55 billion in tax cuts for this nation's wealthiest 1% was given to the states on a prorated basis, Maine would receive \$345 million.**
- **Maine's share of the cost of nuclear weapons programs will be \$50.4 million dollars in fiscal year 2006 alone.**
- **The cost of the Iraq War has already cost the people of Maine close to \$650 million.**

If any of these three misplaced priorities were corrected, there would be enough money to meet or eliminate the entire Maine Homeland Security Gap. Moreover, there would likely be significant additional monies available to meet other critical needs important to the security of Maine citizens. Expanding health care coverage, providing affordable housing, improving our children's schools could all begin to be addressed in a serious and meaningful way.

We are all victimized by Washington's misplaced priorities. Their policies are squandering our scarce resources and heading us in a completely wrong direction when it comes to the greatest threats to our homeland security.

It is time for new priorities.

It is time for Maine officials to speak out and let our officials in Washington know that we demand change; that we expect them to help us provide true homeland security to the people of our state.

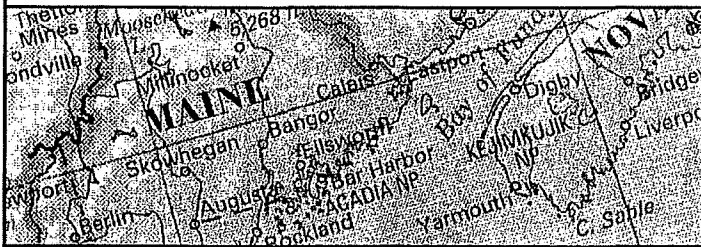
Our map leads to them. The direction is clear. Let Maine's Homeland Security Task Force be our vehicle.

## Maine's Public Health Infrastructure

The \$33 million figure that MEMA and the Bureau of Health say they minimally need to meet Maine's most basic Homeland Security needs does not even include the millions of dollars necessary to build Maine's healthcare infrastructure to the point where medical professionals can respond to emergencies requiring the care of hundreds, if not thousands, of injured or acutely ill Maine citizens.

Currently, Maine's health care community would come up seriously short in meeting many of the disaster scenarios we could likely face.

For example, Bangor and Portland have the only local health departments in the entire state. They struggle just to meet existing needs, much less be able to prepare for unforeseen disasters. Meanwhile many public health issues relative to public health emergency preparedness and public health in general remain either unaddressed or incompletely addressed, including, but not limited to, surveillance for disease, sufficient public health laboratory capacity, training of health workers, education of the public, assurance of access to needed health care services and continuous evaluation of the quality and effectiveness of all interventions.



## SIDETRIP # 2

## Washington's Policies Are Making Us Less Secure

Beyond the siphoning off of resources that could be better used to provide homeland security to our citizens, many of Washington's current priorities in and of themselves make our people less secure. Building new nuclear weapons, for example, only fuels the proliferation of nuclear arms in

other nations, while the war in Iraq has become a breeding ground for the next generation of terrorists. And when we send our national guardsman overseas, they are not here to support local disaster efforts.



**Physicians for Social  
Responsibility/Maine Chapter**



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Closing Maine's Homeland Security Gap: A Roadmap to Get There  
*has been prepared by*  
Physicians for Social Responsibility/Maine and Peace Action Maine

*For more information call:*  
Physicians for Social Responsibility/Maine at 207.772-6714.

**Maine's Health Care System's Emergency Response Capability and Capacity  
Task Force to Study Maine's Homeland Security Needs  
November 16, 2005**

My name is Sandra Parker and I represent the Maine Hospital Association. The Maine Hospital Association represents all of Maine's 39 community hospitals and their affiliates. Our acute care hospitals are nonprofit, community-governed organizations with more than 600 volunteer community leaders serving as trustees on the boards of Maine's hospitals.

Hospitals have always had disaster plans and internal policies around emergency response. However, like many other agencies, this focused work was traditionally done *within* the organization. And, we prepared for what we anticipated such as flu outbreaks, ice storms, tanker accidents and other well-recognized risks. Since 9-11, however, hospitals have broadened their planning to encompass circumstances that we had never imagined before such as bioterrorism and weapons of mass destruction. And, we've gone outside the hospital walls because we understand that the most effective emergency response will be a well-coordinated team effort.

Much has been accomplished since September 2001. To ensure a coordinated effective response, MHA represented hospitals at the statewide homeland security planning meeting in Bangor in the spring of 2002. Hospitals immediately began work on Objective 2 (emphasis on Project 2: deliver specialized training and Project 3: provide equipment and resources) and Objective 7 Strengthen Public Health Preparedness and Response (emphasis on Project 2: educate, train and equip health care workers and Project 4: enhance health care system response).

To determine gaps and strengths, hospitals have completed multiple assessments, within their own organizations, locally, regionally and at the state level. These needs and hazard vulnerability assessments have been conducted by their own staff, Regional Resource Center staff, state staff, and consultants. And, hospitals have acted on the needs they've identified through the assessment process by:

- Improving their response plans and coordinating their plans with others;
- Participating in community drills and exercises to test those plans;
- Tightening security on their campus';
- Purchasing disaster response equipment and supplies, such as those necessary to increase isolation and decontamination capacity; and
- Educating themselves on everything from the National Incident Management System to anthrax to dirty bombs.

But we've only just begun—there is so much more we need to do to assure that Maine's health care system can immediately and effectively respond to emergencies with mass casualties.



Maine Hospital Association  
33 Fuller Road, Augusta, Maine 04330  
Phone: 207-622-4794; Fax: 207-622-3073; web site: [www.themha.org](http://www.themha.org)



We'd like to take the opportunity today to share with you our two greatest concerns around ongoing emergency preparedness work: funding and surge capacity.

Funding for the work done so far has come from three sources: hospitals' own budgets, the Maine Emergency Management Agency and the federal grant from Health Resources and Services Administration administered through Maine's Office of Public Health Emergency Preparedness.

While hospitals have, and will continue to, expend their own funds to enhance their level of readiness, hospital budgets are very tight. While hospitals remain committed to continuing to enhance emergency response capability, we are also committed to the cost control goals of Dirigo and so we must acknowledge the hospital's inability to independently provide financial support to the community's emergency preparedness and response efforts.

To date, the health care system, including hospitals, has received some of the critically necessary financial support for this work through the federal grants coming into the state. While the homeland security funds flowing through the Maine Emergency Management Agency (MEMA) are primarily dedicated to governmental/political jurisdictions such as counties, towns, and publicly owned services, a small portion of that funding has also benefited the front line of health care response, such as privately owned ambulance services and hospital emergency departments. For example, MEMA provided decontamination tents to all of the 21 "hazmat" teams statewide to manage decontamination on the scene of an incident *and* to all hospital emergency departments so that the contaminated walking-wounded could be safely decontaminated on hospital grounds *before* they entered the hospital building and contaminated the staff and/or facility, forcing closure of the hospital during an emergency when it would be needed most. We saw the need for this capability illustrated through Japan's experience with the sarin gas incident, where about 650 victims were transported to the hospitals but more than 4,000 victims found their own way to the area hospitals. Japan's lack of emergency decontamination facilities, inadequate decontamination protocols and insufficient personal protective equipment resulted in dangerous secondary exposure of hospital staff and ambulance personnel. Having the equipment is only half the preparation; education and training in the proper use of the decontamination equipment is critical. MEMA provided the skilled teachers for hospital training and the Office of Public Health Emergency Preparedness in the Maine Center for Disease Control and Prevention paid for the teachers' time with another source of federal grant funding from the Health Resources and Services Administration (HRSA).

The HRSA grant program is entitled the "National Bioterrorism Hospital Preparedness Program" and HRSA describes it as a program to "improve the capacity and capability of hospitals, emergency departments, health centers, EMS systems, and poison control centers, to respond to acts of terrorism and other public health emergencies." This dedicated grant funding clearly reflects the federal government's clear understanding that the health system, including hospitals,



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are a highly valued, essential component of the disaster response infrastructure that is in need of financial support.

For the past two years, the HRSA funding has flowed to three Regional Resource Centers, based at the state's three trauma centers, which are responsible for meeting the federal grant "deliverables" for the health care providers in their region, coordinated at the state level by a multidisciplinary steering committee. The federal grant guidance sets benchmark targets to help define readiness in such areas as: surge capacity, isolation capacity, personal protective equipment, decontamination, behavioral health, trauma care, communications, emergency medical services, hospital laboratories, education, and exercises.

Other than the Regional Resource Centers (RRCs), no other mechanism exists within Maine's public or private sector to coordinate comprehensive health care system emergency response across multiple jurisdictions and service areas. The RRCs have brought significant progress in planning and response capacity at the regional and state level. First and foremost, the work of the RRCs has developed good working relationships among all of the health care partners in their regions—many of whom were strangers to one another. These relationships foster the cooperative culture vital to effective emergency response. The RRCs have defined and effectively utilized that critical common ground along the full continuum of care from EMS to home health agencies to school nurses. These relationships have overcome competitive issues, joined agencies in the public and private sector together and allowed priorities to be developed collaboratively in the region, based on local needs.

We understand that the state intends to utilize the HRSA grant funds to build public health infrastructure by opening regional state offices and ask the state public health staff, with the help of consultants, to serve the role of the RRC in terms of meeting grant deliverables and managing local response. We're concerned that dismantling the RRCs to increase state public health offices would be an ineffective use of the HRSA grant dollars because the state does not have, even if they utilize expensive consultants, the depth and breadth of the RRCs' clinical expertise and emergency response expertise at the service level.

The HRSA funds have also been used to group purchase critically needed supplies, such as pharmaceutical caches for EMS and adding vital isolation capacity to prepare for infectious disease outbreaks. Wherever possible and appropriate, equipment purchases have been standardized to facilitate sharing staff trained to use this new specialized equipment across the three regions and by bulk purchase to assure the lowest cost. While their work is not done, the state has announced that the RRCs' contracts with the state will not be renewed in June 2006. Going forward, the state intends to control the expenditure of the HRSA funds, as they currently do their other emergency preparedness grant monies from the federal Centers for Disease Control and Prevention.



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We are very concerned about this change. We believe that the HRSA funds need to remain dedicated to their intended purpose to “improve the capacity and capability of hospitals, emergency departments, health centers, EMS systems, and poison control centers, to respond to acts of terrorism and other public health emergencies.” We believe that the funding should be available to the health care providers at the local level so that identified needs may be addressed. In short, Maine’s health care system requires ongoing resources through the RRCs to assure that our workforce is able to effectively respond to emergencies with mass casualties.

Our second major concern is that Maine does not have sufficient surge capacity, in terms of the number of hospital beds. Hospitals have appropriately downsized their inpatient capacity as more health care services could be provided in an outpatient setting, but this efficiency has led to the current status where we usually, but not always, have an adequate number of hospital beds to meet day-to-day needs, but simply have not maintained the excess capacity necessary to meet the federal standard. According to the Office of Public Health Emergency Preparedness, the State as a whole simply does not meet the HRSA Surge Bed Benchmark, which considers licensed and staffed beds. The distinction between staffed and licensed is critical because Maine, like all states, has more licensed hospital beds than staffed hospital beds. Therefore, the total number of licensed beds does not reflect true hospital capacity; given the lack of available workforce to adequately staff all licensed beds. Maine isn’t alone, but we need to be mindful of this fact as we continue to work towards optimizing our health care system’s ability to manage mass casualties, whether due to trauma, natural disaster, terrorist attack or infectious disease.

Thank you for considering our comments. I’d be happy to answer any questions and hope that you recommend ongoing HRSA funding for Maine’s health care providers so that they can continue to enhance their disaster response capability.



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# Testimony to Maine Task Force on Homeland Security

November 21, 2005

Peter Wilk, M.D., Co-President Physicians for Social Responsibility/Maine  
tel 871-8081

Thank you Senator Strimling, Representative Gerzofsky and others for the opportunity to testify this evening. I am Dr. Peter Wilk, co-President of the Maine chapter of Physicians for Social Responsibility. I live in Sebago and provide psychiatric consultation to the Bridgton office of Tri-County Mental Health Services. As a constituent of Senator Hastings, I am glad to see you here.

I know that you heard last Thursday from my colleague Dr. Oppenheim, who presented you with our Roadmap. This evening, I would like to focus on the solution we advocate to close Maine's \$21 million Homeland Security Gap.

We want to be clear that our fundamental interest is in supporting professionals throughout the state in their efforts by securing increased funding for training of first responders, improved interoperable communication systems, increased hospital emergency surge capacity, the ongoing work of the regional response teams and other aspects of strengthening Maine's public health infrastructure. We totally agree that the "all-hazards" approach makes sense.

We believe that the testimony that you have heard to date conveys general agreement on the first two major points we make in our Roadmap. The first point of agreement being that Homeland Security means more than fighting terrorism. We need enhanced preparedness for natural disasters and for catastrophic epidemic diseases. You have also heard testimony that Maine's leaders ought to be thinking about an even broader definition of Homeland Security – to include a fully functioning health care system, affordable housing with adequate heating, and a good education and good jobs for all Mainers.

The second point of agreement is that national policy has taken a wrong turn, and Maine's Homeland Security is suffering for that. At the Task Force's previous hearings in Augusta and Brunswick, we have heard one emergency management official after another testify they have insufficient funding to properly prepare their communities for a terrorist attack or natural disasters. Using figures provided by the Maine Emergency Management Agency and Bureau of Health, our Roadmap documents that **\$33 million is required each year to meet Maine's most basic homeland security needs**. As you know, for fiscal year 2005 Maine received just under \$24 million ---- a shortfall of about \$9 million ---- resulting in less training, less inter-operable communication equipment, and less effective coordination of our public health infrastructure than we need.

**The news for fiscal year 2006 is much worse. We are expecting our 2005 funding to be cut by at least 50%. That will bring us down to \$12 million or less --- which results in that \$21 million Homeland Security Gap we keep referring to.** Again, even less training, less of the essential equipment we need, and now it appears that the regional response teams may be cut altogether. These regional response teams had represented a significant advance in our public health system preparedness, which we will now likely lose.

During last Thursday's hearing, one of the first responders testifying answered one of your questions by declaring "we're as secure as we can be with the resources we've got". Well -- the "resources we've got" are \$21 million short of what we need.

The stakes are high. Mainers lives are at risk. This reduced level of funding and the limited security it will provide is unacceptable. This just isn't good enough.

Which brings us to the third point in our Roadmap. To address the needs of our first responders and other public health officials, this Task Force must take a leadership role in demanding that Washington DC change its misplaced spending priorities. Our local and state officials are already saying they don't have the resources they need, and now Washington is further cutting those resources. It's time Washington stops squandering billions upon billions of dollars on tax cuts, the Iraq War, and unnecessary nuclear weapons programs, and start spending it on things that will truly make our citizens more secure.

The Roadmap illustrates how annually the \$55 billion in tax cuts for the nation's wealthiest 1% costs Maine \$345 million, funding for the War in Iraq costs Maine \$650 million, and spending on nuclear weapons costs the state over \$50 million. If any of these three misplaced priorities were corrected, there would be enough money to eliminate the entire \$21 million Maine Homeland Security Gap, with plenty left over to strengthen other aspects of our fundamental security --- like improving access to health care, increasing fuel assistance, restoring recent cuts in subsidized housing funds, and increasing aid to education.

The path our Roadmap outlines takes us through every town in Maine and to our State capital, but it ultimately leads to Washington DC. We know the Task Force wants to do all it can protect Maine citizens, but if it fails to call on Washington to change its misplaced priorities, it will never come close to achieving its goal of making Maine citizens more secure.

## TESTIMONY

of MG John W. Libby  
Adjutant General and  
Commissioner, Department of Defense, Veterans and Emergency Management  
before the  
Task Force to Study Maine's Homeland Security Needs  
October 17, 2005

Senator Strimling, Rep. Gerzofsky, members of the Task Force to Study Maine's  
Homeland Security Needs

My name is Bill Libby. I am the Commissioner of the Department of Defense, Veterans and Emergency Management. I am also the Adjutant General of the State of Maine, in which capacity I command the Army and Air National Guard.

Previous to holding this position, I was the Deputy Commissioner of DVEM, and from 1994 through 1999 the Director of MEMA. That period included the Ice Storm of 1998. I mention that event because it showed both strengths and weaknesses of our response capability across the state, and we continue to mine the Lessons Learned from that event today.

## BUDGETS

As early as 1996, federal funding began to be provided to the states for terrorism planning and training. This started in the larger cities but by 1999, all states, through FEMA, were provided funds for planning for the consequences of terrorism. I don't mind telling you that terrorism planning was a very hard sell in Maine during this period. Also in 1999, we began to receive funding for response equipment from the Department of Justice. This was the beginning of the Homeland Security grants we are receiving today. In Maine, we began to do what the federal government had not done at that point, which was to bring appropriate multi-disciplinary group together and begin to plan for the effective use of these funds.

At the same time, during my watch as MEMA Director, changes occurred in the funding from FEMA to State Emergency Management Agencies. During the Cold War years, there had been a 100% federal funding stream to the states to ensure nuclear attack planning and preparedness activities took place. We also received 50/50 funding to support core emergency management positions at the state and county levels. In the mid-90's, the FEMA Director proposed that all FEMA-funded positions go to 50/50, as there was no longer a credible attack threat, and it was time to shift to an all-hazards approach in emergency management, and an equal partnership between the states and the federal government. I'm happy to say our Legislature agreed, and provided state funding to match all the positions at MEMA that previously had been 100% federally funded.

## COORDINATION

With September 11, 2001 came a change in the focus of emergency management. Governor King chose not to create a separate entity to coordinate homeland security activities, but instead he tasked DVEM and MEMA to assume those duties. Governor Baldacci has retained that philosophy and expanded upon it. MEMA maintains the administrative lead for coordination and grants management, but the Governor has created a Homeland Security Advisory Council to provide advice and counsel on policy issues. That Council is made up of The Director of MEMA, The Commissioners of DVEM and PS, the Director of the Bureau of Health, the Chief of the Maine State Police and a representative of the Governor. From the beginning we have included principal federal partners such as the US Attorney, the FBI, Borders, etc. in our meetings and discussion. That relationship is soon to be made formal, as all the core federal agencies have agreed to serve officially on an expanded Homeland Security Advisory Council.

The Council is an evolutionary outgrowth of the philosophy we have followed from the mid 90's when we first began to seriously look at our capability to respond to a terrorist event. Here in Maine, no one agency has the resources or the expertise to be a one-stop-shop for homeland security matters. Rather, all the agencies working together do have the resources and expertise, and we have made that a source of strength, rather than division, here in Maine.

Following that philosophy, in May of 2002 we convened a group of 80 individuals from state and local governments, non-profit organizations and industry across the state. In a three-day session in Bangor, we crafted a vision for Homeland Security in Maine, as well as focusing down our concerns into nine objectives. You have been provided copies of that original planning document, as well as updates to some of the core areas. The outcome of that meeting forms the core of Maine's homeland security strategy. The strategy, built on the collective wisdom of many, continues to guide our work today.

## NATIONAL GUARD

One of the things this task force has been charged with is looking at the role and capability of the National Guard in the State of Maine, specifically with regard to the Guard's capacity to provide support during a homeland security event.

The Maine Army National Guard is authorized 2107 men and women, 209 of which are currently federalized and therefore not available for State missions. The Maine Air National Guard is authorized 1211 men and women with 249 currently federalized.

The greatest asset any National Guard has is its people, and its command structure. Our people are operationally ready, and are trained to respond crisply and professionally in whatever situation they are placed.

The National Guard in any state is limited obviously by the numbers of troops, and also by the particular specialties of its units. However, with the maturation of the Emergency Management Assistance Compact (EMAC), if we needed either a specialty that was not available here in the state, or additional forces or resources, we could request that of any of the 54 states and territories, and assistance would be forthcoming quickly. Even



before EMAC, during the Ice Storm we were able to request additional emergency generators from Massachusetts, and they came. EMAC simply makes the request process more efficient.

With respect to terrorism specifically, Maine has a tremendous asset in the 11<sup>th</sup> Civil Support Team, a highly trained and well-resourced unit that can respond to any hazardous materials or WMD incident to assist civilian authorities. The CST regularly exercises with and trains first responders across the state, and, therefore, is well prepared to support any community in the state. The CSTs mission statement is to support civil authorities during suspected domestic chemical, biological, radiological, nuclear or explosive incidents by identifying agents/substances, advising on response measures, assessing current and projected consequences, advising on response measures and assisting with appropriate requests for additional support. The CSTs across the county are unique among Guard units, in that their primary mission is domestic response. They are not deployed in wartime. They may be deployed to other parts of the country as needed.

One shortfall in the ability of the Guard to support civilian authorities ironically shows up not in big disasters such as the Ice Storm, but in the smaller emergencies that nevertheless can be big problems for individual communities. If an island off the coast needs a generator, or a remote community needs a water trailer, the National Guard is thought of as an asset. However, there are two obstacles. The National Guard resources must be paid for. In all cases, we require that the community in need go to a private or commercial resource first. But if those resources are not available, we are required by federal law to charge for our equipment and personnel time, and those costs can be significant. Communities generally do not have the financial resources, and there is no state-level funding source to support such deployments. We have been trying for a number of years to "break this code" at the state and federal level, and plan to continue the attempt. I

In a large disaster, when costs will typically be reimbursed by FEMA, the Guard is typically deployed, and has been of substantial assistance in emergency response across the state.

## CONCLUSION

Is Maine prepared for a large scale disaster or a deliberate attack on our security? I have seen giant steps forward in the last 10 years, post-Ice Storm and post-September 11. I've seen towns, counties, and regions of the state work together to address shortfalls. I've seen significant breakdown of the "turf" issues which frankly plague emergency preparedness and response everywhere in this country. Our determination to include all disciplines and departments in our planning continues to serve Maine well.

As I noted at the beginning, in a modestly-resourced state like Maine, no one agency can do everything. Our strength is our ability to put turf aside and work together creatively to ensure the safety of our state and its citizens. We believe we have done this in many respects more effectively than at the federal level, and more effectively than many other states. This cooperation and coordination continues to be our governing philosophy.

Thank you for this opportunity to testify before you. I would be happy to answer any questions you may have.



Regional Resource Center for  
Public Health Emergency Preparedness

**Steven Trockman, MPH, Executive Director**

Statement before the *Task Force to Study Maine's Homeland Security Needs*

South Paris, ME

November 21, 2005

Thank you Senator Strimling, Representative Gerzofsky, distinguished members of this Task Force. On behalf of my staff, partners, Maine Medical Center, and funding agencies, it means a great deal to me to be invited to participate in this essential public process.

My name is Steven Trockman. I am Executive Director of the Southern Maine Regional Resource Center for Emergency Preparedness. The Region my Center represents covers all or part of York, Cumberland, Sagadahoc and Lincoln Counties, with a population of over 530,000 and with 11 hospitals.

My roots are in public service. I remain dedicated to a life of serving the public's needs through sound public health and healthcare practice. I come before you today to provide clarity about the work of the Regional Resource Centers, why this work is so essential to the continuum of homeland security and all-hazards emergency preparedness and response planning, and to identify ongoing resource and planning challenges we face.

You have already heard, through multiple panel and public testimonials at last Thursday's meeting in Brunswick and the initial meeting in October, about the popularity, integration, integrity, and inclusiveness of the Regional Resource Centers. This is no accident. In building the RRCs in early 2004, Maine's three trauma centers (MMC, CMMC, and EMMC) in partnership with the Bureau of Health, and on behalf of our emergency management and public safety partners, understood just how vital open and clear communication; standardization of plans and equipment; open access to free or low-cost training; and broad participation by public and private sector agencies in the development, participation, and evaluation of drills and exercises are to the operationalization of our statewide preparedness planning.

The initial objective of these three Centers was to create comprehensive, coordinated plans for health care response within our regional jurisdictions for bioterrorism and other homeland security and public health emergencies. These include, but are not limited to, natural and technological disasters, hazardous materials incidents, mass casualty incidents, and outbreaks or pandemics of infectious disease such as SARS or avian influenza. To accomplish this, each of the RRC's, along with partners from other hospitals and health agencies, emergency medical services, emergency management agencies, public health, public safety, and others engaged in the assessment, analysis, and prioritization of all-hazards emergency preparedness and homeland security needs. Based on continual input from our regional and state partners, we then allocated funds for health care system infrastructure improvements. A summary of the equipment and supplies purchased by the Southern Maine Regional Resource Center is available in the packet I provided.

It is important to recognize that no sector of Maine's health care community is sufficiently organized, staffed, trained, nor equipped to affect an acceptable response to a large scale disaster event. Among the many resources lacking are incident management training for health care leaders, recognition and clinical response training for clinicians, and mechanisms for coordination of personnel and other resources between organizations. Appropriately, the mission of the RRCs has expanded to include the training of first responders, hospital-based first receivers and leadership, and others in emergency response; and training in the proper use of newly purchased safety and response equipment. Equally as important, we have expanded our role in the development, facilitation, and evaluation of local and multi-jurisdictional drills and exercises to test this training and planning.

We are adaptable. We are flexible. We are the glue between public health surveillance, health promotion, disease prevention, and health care response to disasters. We are sensitive to, and understanding of, the ever-changing political and financial world around us. What we are not, however, is accepting of any model of hospital and health systems emergency preparedness, especially that work funded through the *HRSA Bioterrorism Hospital Preparedness Program*, that does not maintain Maine's established health care system at the center - recognizing the health care system's natural role as a 24 hours a day, seven days a week, provider of population care in both routine and disaster situations. With respect to disasters, hospitals:

- Manage medical assessment, treatment, and continuing care for incidents involving large numbers of patients;
- Manage patients contaminated with hazardous substances;
- Recognize, identify, and manage the unique consequences of bioterrorism;
- Protect employees, patients, visitors, and anyone else within their facility; and
- Continue to provide ongoing routine emergency and trauma care.

New regional public health offices, though important to surveillance, prevention, and coordination of traditional public health services, are not well suited, qualified, nor appropriate to this mission. Diversion of *hospital* bioterrorism preparedness funds to other purposes must not be allowed while major needs of health care organizations that will be required to respond to large scale public health emergencies remain unaddressed. That said, local, regional, and state-level public health must of course remain close allies of ours in this pursuit.

The work of the Regional Resource Centers is not yet complete. Communications, resource coordination, equipment training and maintenance plans, and comprehensive health emergency response plans remain to be drafted or completed, and implemented with our partners.

No other mechanism exists within state government, or the hospitals themselves, to coordinate *comprehensive healthcare systems* emergency preparedness and response across multiple jurisdictions or service areas, except the Regional Resource Centers. Prior to the creation of the RRCs there was no effective bridge between state level public health or Emergency Management Agencies and the hospital/healthcare community to address disaster preparedness and response. Repeatedly, you have heard our partners describe to you how the Regional Resource Centers have brought Maine significant progress in planning and response capacity at the regional and state level.

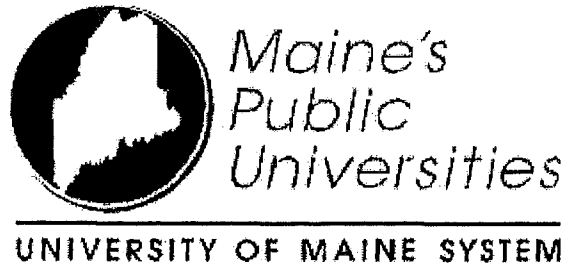
Maine is receiving more value per dollar spent on Regional Resource Center initiatives because of significant matching, in-kind resources from our partners. These leveraged assets include

executive time, clinical and training expertise, training space and time, technical assistance in every aspect of our planning activities, and more.

In conclusion, Regional Resource Centers, hospitals, and our other partners require the ongoing funding to be able to assure that our workforce is able to respond to all-hazard public health emergencies and homeland security threats, and fill the preparedness and response gaps identified repeatedly throughout these hearings. The future of Maine's three Regional Resource Centers, your emergency healthcare team builders and coordinators, must be assured through continued recognition and funding such as that provided through the *HRSA Hospital Bioterrorism Preparedness Cooperative Agreement*.

I would be remiss if I did not publicly recognize a few of the many local and state agencies who consistently go the extra mile to serve the unique needs of our health care system through the Southern Maine Regional Resource Center, to assure a safe environment for the citizens and visitors of Maine, and who deserve to be commended and receive all the support possible in their efforts. These include Bob Bolhman, George Flaherty, and Tim Pellerin, of York, Cumberland, and Lincoln County Emergency Management Agencies, respectively; Rusty Robertson of Sagadahoc County EMA and your own Hugh Tilson, of the Sagadahoc Health Improvement Project; Dr. Tony Tomassoni of the Northern New England Poison Center; Terry Walsh, Fred Lamontaine, Jo Linder, and Julie Sullivan of the City of Portland; Sandra Parker of the Maine Hospital Association; Sally Ferrand of the Maine Primary Care Association; Art Cleaves and the entire Maine Emergency Management Agency staff; Dora Mills of the Maine CDC; and of course, Kathy Knight and John Bastin of the Eastern and Central Maine Regional Resource Centers, and the supporting staff of all three RRCs whose time is donated by these hospitals.

Thank you for the opportunity to participate in this process and discuss these issues. I would welcome any questions from the Task Force.



Testimony of Chancellor Joseph W. Westphal  
to the  
Task Force on Homeland Security

**Senator Ethan Strimling, Representative Stan Gerzoesky and Members of the Task Force on Homeland Security**

As the Task Force on Homeland Security assesses the needs of the State of Maine related to homeland security, the University of Maine System (UMS) stands ready as a resource to assist the State. At the same time, UMS represents valuable assets to the State that are potentially at risk and that must be protected in any comprehensive homeland security plan.

With funding provided in fiscal years 2003 and 2004 the universities of UMS addressed crucial homeland security issues with activities such as improving our communications and surveillance capabilities. Much work remains to be done. As the following examples show, UMS is an important aspect of homeland security work in Maine.

UMS faculty have expertise in many areas that are critical to homeland security planning. Maine's universities have a role to play in research, training and formal education programs related to homeland security. In addition, several of the universities are designated emergency shelters for the community as well as for the university populace. It is critical that these shelters be prepared and operational in the event of an emergency.

The University of Maine System provides the information technology backbone for the State of Maine and all public educational entities in the state. The state's security depends on the functioning of this IT infrastructure. A critical need for homeland security is increased redundancy in this infrastructure.

The University of Maine System is engaged in sensitive research being conducted for the Department of Defense and Homeland security. In addition UMS has hundreds of laboratories for teaching and research, many of which use and store hazardous chemicals. These facilities are prime security targets and warrant special care.

The universities are public centers with large concentrations of people, property, and unique exposures, such as those associated with research and student activities. There are over 34,000 students, over 5,000 employees and an even greater number of visitors. More than 500,000 people visit the University System's universities each year to attend

cultural, athletic and other events. These large groups of people, and the diverse day and night activities, create unique homeland security exposure for the UMS and the State. The universities are similar in many ways to cities and towns, with infrastructure, public safety, law enforcement, and public works operations and exposures. Therefore, they require the same equipment, training, and other resources as municipal and State departments.

UMS appreciates the work of the Task Force in reviewing Maine's homeland security needs, assessing the current state of homeland security preparedness, and identifying resources and gaps regarding homeland security. We look forward to working with the State to strengthen Maine's readiness to respond to public security issues.

10/16/2005

**Maine State Police Homeland Security Briefing**  
**Prepared for Maine's Homeland Security Task Force**

**Senator Ethan Strimling, Senate Chair**  
**Representative Stanley Gerzofsky, House Chair**

**October 17, 2005**



## **Executive Summary**

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Since 1999, the State Police have been an integral part of the state planning process involving collaboration and cooperation within the 3 Year State Strategies submitted to the US DOJ and now the Department of Homeland Security. These strategies have been the driving factor on goals, objectives, and allocation of resources.

These strategies involve preparedness efforts of first responders to include, training, protective equipment, and communications. These include individual personal protective gear and training for every sworn member, expansion of existing Specialty Team capabilities into the anti-terrorism arena to include advanced night vision capabilities, encrypted communications, self contained breathing apparatus(SCBA), underwater cameras and communications, a total containment vessel for the Bomb Team to help with a "dirty bomb" scenario, a remote control robot to be able to deal with suspicious items remotely, and a Air to Ground photographic downlink with the Air Wing for Command and Control purposes.

Intelligence efforts continue to be stepped up and continue to evolve. These efforts include participation on the Joint Terrorism Task Force (JTTF), development of the Intelligence Fusion Center, participation on the Maritime Security Council with the US Coast Guard and Maine Marine Patrol, work as a standing member of the US Attorney's Office Anti Terrorism Advisory Council(ATAC) and increased contact with US Border Patrol and Immigration, Customs Enforcement (ICE).

Increased Command and Control capabilities are bolstered by the creation of a fixed Command Post at DPS HQ that contains Internet based and traditional radio communications, along with computers, phones, satellite phones, and new Command and Control software which was utilized during the Democratic National Convention, Republican National Convention, Washington DC sniper incident, and Salt Lake City Olympic Games with great results in creating situational awareness for Incident Commanders. Soon to be added will be a 40 foot Mobil Command Post that mirrors the same capabilities as the fixed CP but with the ability to take an Incident Management Team to any site in Maine necessary. It will also be fully equipped with radio and CAD capability to function as a temporary dispatch center in the case of a catastrophic event that impact one of the Maine State Police existing centers.

The Chief of the State Police, along with the Commissioner of Public Safety, sits on the Governor's Homeland Security Council, which meets quarterly. This body is charged, by Executive Order, with the coordination of all Homeland security activities in Maine and includes the Adjutant General of the ARNG, the Director of MEMA, the Director of DHHS, the anti-terrorism coordinator of the US Attorney's Office, and designees of the Governor's staff. The guiding document this council utilizes for direction is Maine's 9

Objectives for Homeland Security, which originated out of a large stakeholder conference conducted in Bangor in May 2002 at the direction of then Governor King.

## **Progress to date by Maine State Police**

### **Maine's 9 Objectives for Homeland Security**

#### **1. Identify Threats and Vulnerabilities**

In the immediate aftermath of 9-11, MSP assembled a team, in collaboration with the Maine ARNG, and conducted threat and vulnerability studies of Maine's top 24 critical infrastructure sites. Reports were developed that were shared with the various entities on how to "target harden" and response plans were developed for first responders that are contained on CDs. These include photos, maps, building plans, and response plans. These are updated periodically and the truly critical list has been reduced to 9. MEMA is also an integral part of the coordination of this process.

#### **2. Secure Infrastructure and Institutions**

In addition to the duties listed above that are performed by State Police personnel, the department has set out to harden it's own structures. Federal grant monies are being utilized to install at all Barracks and Communications Centers(or upgrade existing packages) CCTV, alarm systems, card reader door systems, and bollards to deter or prevent vehicle assaults.

#### **3. Prepare First Responders**

The State Police has purchased through Grant monies, personal protective equipment(PPE) for every sworn member to include a respirator, Tyvek suit, gloves, booties, and extra filters. All members have undergone required physicals; questionnaires and equipment fit testing required by OSHA. All members have completed the 16-hour course conducted by LSU, Law Enforcement Response to Terrorism and additionally 24 hours of Incident Command Training, which puts all troopers at the ICS 300 level. At the time this training was given, Maine and the New Jersey State Police were the only 2 states east of the Mississippi to have been trained to this level on an entire department level. The Specialty Teams received additional training beyond their already normal high level of training.

The Bomb team received an additional 32 hours of Terrorist Bombing in New Mexico and was certified to Level A Haz Mat technicians.

The Tactical team received 40 additional hours in the LSU course, Tactical Operations in a WMD Environment, as well as also certifying to Level A Haz Mat technicians. They also worked with the Maine Marine Patrol in a collaborative effort to create in Maine, a maritime boarding capability. The USCG provided a 40 hour course and the team exercised this capability with the Marine Patrol to practice

boarding ferries and cruise ships in the event of a terrorist takeover or other scenario at sea.

The Dive Team, which is a direct partnership with the Marine Patrol, just recently had it's leadership undergo a 40 hour course at the Massachusetts State Police Academy regarding underwater terrorist demolitions, along with pier and hull inspections for suspicious devices.

#### 4. Align Roles and Responsibilities

The State Police have participated in numerous discussions and meetings with MEMA and executive decision makers over the past 5 years to participate in its properly defined role and area of responsibility. The agency currently provides a strong intelligence capability to provide decision makers with the needed information to assist in strategies to combat terrorism.

The "Fusion Center" concept is still in the building stages in partnership with MEMA. This is an effort to fuse information from federal, state, county, local, and private sector entities into a clearinghouse of information for executives and first responders.

The State Police have an active member of the Joint Terrorism Task Force, which operates under the auspices of the FBI in Portland. They are the active investigative arms of government concerning all reports of suspicious activities possibly related to terrorism.

The agency also provides a first responder capability as highlighted previously related to troopers ability to respond in a contaminated environment and provide traditional law enforcement capabilities(perimeter security, traffic control, etc.), as well as enhanced Specialty team capabilities to deter or defeat terrorist acts.

In summary, a new role is to provide decision makers and responders the needed information and intelligence to make informed decisions, as well as a traditional law enforcement response role but with new technologies deployed for personal protection, use of force capabilities, and specialized equipment.

#### 5. Strengthen Public Health Preparedness

The State Police have also contributed to efforts in the health preparedness arena. Early post 9-11, during the "white powder" or Anthrax scares, the State Police played an integral part with MEMA in developing the statewide response protocols and also personally transported numerous "suspicious packages" safely to the Public Health Lab for analysis. We are on the Public Health Emergency FAX and e-mail notification lists for emergencies. The agency also has a role in the protection and delivery of the National Pharmaceutical Stockpile, or the so-called "push packages" distributed by the NIH in the event of a catastrophic bio emergency. Currently, the State Police would provide convoy security to National Guard transport from airports to distribution sites, where the security would be taken over by local law enforcement.

## 6. Inform and Engage the Public

The State Police have a Public Information officer available 24-7 and he routinely participates in MEMA sponsored drills and plans regarding a large scale, multi agency response to any event. He would assist in drafting and disseminating public announcements designed to inform, calm, and assist the citizens in making decisions regarding sheltering, evacuation, routing, or other information critical in an emergency.

The leadership of the State Police is trained and prepared to offer subject matter expertise when needed to executive decision makers regarding acts of terrorism or other serious criminal acts.

## 7. Secure Political and Financial Support

The Command Staff of the State Police and the Commissioner of Public Safety have been active and responsive to all government bodies requesting information or testimony regarding preparedness efforts, planning, and capabilities. The agency has also worked in strong collaboration with MEMA to secure Homeland Security grant opportunities to better prepare the State Police in the areas previously highlighted. The majority of these efforts were secured through federal funding at little or no cost to the state and minimal impact on daily operational needs.

## 8. Strengthen Response and Recovery

The agency role in this regard would be one of working with MEMA, FEMA, and the ARNG in the event of any large-scale emergency or incident. The primary roles would be security and crime and civil order restoration. Troopers are trained in Crowd Control techniques and undergo periodic refreshers. There is also a long history within the agency of responding to labor strikes, prison disturbances, demonstrations, and presidential security, so there already exists an experienced planning cadre of leadership equipped to deal with such matters.

## 9. Upgrade and Integrate Communications Networks

The Department of Public Safety (Maine State Police) Communications Unit has been diligently working with our partners in the Office of Information Technology, Maine Emergency Management Agency, Maine Department of Transportation and Maine Department of Conservation to improve the infrastructure and the interoperability of our state communications system. We are currently actively pursuing partnerships with other communication entities at the county and municipal level. We are actively working on the consolidation or co-location of communication centers in two counties (Kennebec county and Penobscot County). This consolidation

of radio and data technologies along with infrastructure will dramatically improve our interoperability and redundancy for communications.

Our recent partnership with the Department of Transportation and the Department of Conservation in the Knox County area will allow us to replace three aging and problematic tower infrastructures with one asset that will benefit a number of state and local agencies. This partnership is scheduled to continue throughout the state in order for all state agencies and potentially local and county agencies to benefit from these improvements. This improvement of the State's public safety communications infrastructure is perhaps the single most vital undertaking. No matter how well equipped and well-trained an entity may be, substandard communications capabilities greatly reduces the effectiveness of an emergency response.

In addition to the day-to-day capacity the State Police can bring to bear on a statewide basis, the New England State Police Administrators Conference (NESPAC) creates a significant adjunct capacity. Through NESPAC, each of the six New England states may request mutual assistance from any or all of the other NESPAC states. Most recently, this occurred during the 2004 Democratic National Convention in Boston. Maine sent twenty-six State Police personnel. The NESPAC states have adopted many joint training standards over the years, enabling them to work in a unified environment with confidence in the command and control capability of each state. Equally important, particularly in a tactical situation, uniform training and standards allow specialty units to work joint operations with confidence in each other training and capabilities.

January 6, 2006  
New Sweden, Maine

Testimony of:

Anthony J. Tomassoni, MD, MS, FACEP, FACMT  
Medical Director, Northern New England Poison Center  
Medical Director, Southern Maine Regional Resource Center  
Associate Professor, University of Vermont College of Medicine

Senator Strimling, Representative Gerzofsky and Members of the Task Force:

For the record, my name is Dr. Anthony Tomassoni. I was recruited to Maine over 10 years ago to practice and teach emergency medicine, and to bring the specialty of medical toxicology to Maine. I have been engaged in emergency preparedness activities since 1989. Shortly after my arrival in Maine in 1995 I developed the concept of our Regional Resource Centers, and began actively promoting that concept in the Spring of 2000. I address you today as the Medical Director of the Northern New England Poison Center, founded upon the former Maine Poison Center and now providing 24/7 poison information and medical toxicology consultations for the public and professionals in the states of Maine, New Hampshire and Vermont. Although the Poison Center has only recently become nationally certified, some programs at the Center have attracted national attention for their innovative and highly efficient use of resources to provide high levels, quantity and speed of service. I submit that the Regional Resource Centers have been founded and continue to operate on the same successful principles.

I wish to detail for you one such public health program conceived and implemented at the service level through a public/private collaborative – the planning, implementation and collaboration we have called the Maine Hospital Pharmaceutical Stockpile. This is a forerunner of the State's current efforts to provide medications and vaccines to Mainers under emergency conditions.

It is important to recognize that chemical agents of mass destruction, and similar chemical agents of opportunity that are used in industry and transported through our state generally act quickly, and without a period of incubation (as do infectious diseases). Therefore, surveillance for detection, diagnostic expertise and response must be rapid, accurate and effective. Additionally, responders must have curative tools, including antidotes, on hand.

Recognizing both State and Northern New England region wide lack of antidotes, awareness and response training in the prehospital and medical communities, those of us at the Maine Poison Center in 1996 performed and published a statewide antidote assessment. This assessment confirmed a substantial gap in the very modest antidote supplies needed to respond to even single cases of

common clinical poisonings, and virtually no response capacity for a large-scale chemical event.

Although no funds were available at that time, a donation was secured to stock starter doses of a few select antidotes through the Maine Medical Center pharmacy. Additionally, very modest awareness and training was initiated through poison center outreach to clinicians and prehospital care providers. Following September 11, 2001 the poison center approached the Maine Bureau of Health and presented the case for improved antidote supplies throughout the state. Using only \$150,000 initial doses of selected antidotes were chosen and supplied to about 35 hospitals throughout the state, in conjunction with awareness education for several of those hospitals, with additional leveraging of in-kind resources by the coordinating and recipient hospitals. This was done in the hope that these medicines would never be used.

On April 28, 2003 about 3 weeks after the supply of one of these antidotes, BAL, was shipped to our state, its emergency use became essential for those poisoned by arsenic at a church social in New Sweden. The unique clinical resources available through Maine's poison center and the collaboration of our hospitals, healthcare providers and state agencies became the subject of national attention as this antidote and other uncommon medications were used to save the lives and restore the health of several of the 16 individuals involved. Correct identification of the poison responsible for these suspected "food poisonings" was made by the poison center staff based solely on the presenting symptoms. Rapid laboratory confirmation was obtained through the state Health and Environmental Testing Lab (using environmental methods on clinical samples since rapid turn around time was not available through other means). Although the best surveillance and detection mechanism proved to be the clinical sense of astute clinicians (treatment was underway and the CDC and Homeland Security were notified early based on clinical grounds), when poison center case data were automatically uploaded to the national poison center database, this model surveillance system set off predesignated flags electronically identifying this outbreak of unidentified illness. This electronic surveillance system was the first so tested in the nation.

This event has been cited as a national model case study by the national Centers for Disease Control and Prevention, and I was asked to speak at their national conference to answer their question: "Why did so many things needed to identify this obscure poisoning and affect this rapid and correct response occur so readily in Maine?"

The key lies in collaboration: planning, coordination of limited resources and effective communications between many organizations, and resources shared from the state level to the service level long in advance of the immediate need. Highlights of this model response include 1) provider level planning by those aware of potential emergency needs, and 2) teamwork – collaborative efforts

uniting patients with appropriate hospital resources, poison center specialists, antidotes, the Bureau of Health, emergency management specialists, public safety and other organizations.

The funding that made this response possible was provided through many channels, however the funds that brought us the critical antidotes and training came from the U.S. Department of Health and Human Services, Health Resources and Services Administration NATIONAL BIOTERRORISM HOSPITAL PREPAREDNESS PROGRAM (Authority: Section 319C-1 of the Public Health Service (PHS) Act).

I quote from the grant guidance: "The purpose of this program is to enhance the ability of hospitals and health care systems to prepare for and respond to bioterrorism and other public health emergencies." Additionally "Hospitals, EMS systems, outpatient facilities, community health centers and poison control centers should work with the appropriate health department for funding through this program."

In the past 2 grant cycles, none of Maine's HRSA Hospital Bioterrorism Preparedness grant funds have been made available to the poison center to replace or expand these very modest antidote supplies, to conduct enhanced surveillance, or to train poison center staff, clinicians and prehospital care providers, or to support operations in the face of grant funding cuts and increasing financial pressure on sponsoring hospitals. In contrast, NH and VT have contributed to poison center operational funds using their Hospital Bioterrorism Preparedness funds.

Moreover, Maine's Regional Resource Centers, a vital bridge coordinating preparedness and planning between hospitals, healthcare organizations and public have been informed that they will lose their sole source of funding, their existence – the Hospital Bioterrorism Preparedness Grant. It seems most unwise to demolish this bridge at the time it is prepared to open critical new lanes to provider level planning, communications, training of clinicians and more

We believe that each sector in our state should be charged with exactly those duties and responsibilities for which they are most suited. That entails ensuring that preparations for emergency healthcare needs should remain in the hands of emergency care providers with at least that funding designated for that sector. These organization have repeatedly proven their willingness to collaborate with Maine's public health emergency preparations. We recognize the value of regional public health presence. In fact, it is only the synergy between Maine's health care organizations and the Maine BoH that lead to Maine's national model response – TEAMWORK, where each team member was enable to do what they do best. In fact, this synergy may serve as a model for future health promotion and disease prevention efforts from the public health perspective in a cost efficient paradigm with hospital partners.



In these politically unstable times, with diseases that may span the globe, with our ever increasing reliance on chemicals and electronic technologies, while we develop increasingly risky geographic locations, it's only a matter of time until disaster strikes. We ask you to continue and to facilitate the critical work of the Poison Center and the RRCs, developers and leaders of our 24/7 frontline healthcare response capacity, by securing their financial future through your work. Without adequate support for innovative and the opportunity to contribute to the community in model programs, the incentives for our best and brightest, our leaders, to engage in public service or even to work in Maine diminish. Thank you.



John Elias Baldacci  
Governor

STATE OF MAINE  
*Department of Public Safety*  
104 State House Station  
Augusta, Maine  
04333-0104



Michael P. Cantara  
Commissioner

The Department of Public Safety would like to present the following points that were listed in the last two responses to the Public Utilities Commission's Notice of Rulemaking in regards to PSAPing and dispatching:

- A reduction in PSAPs may have a significant impact on the implementation of a shared radio infrastructure or consolidated communications (combined PSAP and dispatch) centers. This adverse impact is likely to occur if the analysis of the potential benefits of a reduction in the number of PSAPs occurs independently of the analysis of the potential benefits of a shared radio infrastructure and consolidated communication centers. The reduction of PSAPs, without factoring in the advantages of a shared radio infrastructure and consolidated communications centers will lead to an incomplete and fractured product.
- Independent decisions made relative to any one part of the emergency communications system may have an adverse impact on the system as a whole. We believe that the most appropriate analysis is to consider the potential benefits to be gained through the cooperative sharing of a statewide radio infrastructure and the reduction, through consolidation of communications (combined PSAP and dispatch) centers.
- In order to maintain appropriate disaster recovery capability a minimum level of redundancy and diversity must be maintained in the 911 system. In order to achieve this goal a minimum of two PSAPs are required for the entire State.
- We believe that the appropriate number of PSAPs is most properly determined by identifying the appropriate number of dispatch centers. Identifying the appropriate number of dispatch centers could be achieved by studying the aggregate load placed upon a broad array of dispatch centers, determining the staffing levels and equipment necessary to meet this load and comparing the results against the current environment.
- In the long term the driver for PSAP reduction should be tied to the consolidation of dispatch operations. Consolidated communications centers should operate as a dispatch center and a PSAP. Additionally, there may be some number of stand alone dispatch centers that, due to their high call volume, should continue to be assigned PSAP responsibilities.
- For the immediate future, Penobscot Regional Dispatch should remain the primary PSAP/Dispatch center for the Penobscot Region. The time constraints in which PSAP consolidation are working within would not allow for a consolidation of this magnitude to occur in a seamless fashion. There should be future discussions with Penobscot regarding integration into a North/Central consolidation effort in which they could be absorbed into a 4 County regional Dispatch/PSAP.
- Lewiston/Auburn, Portland, & Bangor should remain independent. There is clearly enough justification for them to retain their independence. Bangor dispatch could co-locate (or have dedicated dispatching seats) within the new center in Bangor for interoperability and cost savings.

- **Regions south and west of Kennebec County truly need more detailed analysis and discussion prior to final decisions being made. Much of the discussion should also be centered around the consolidation of dispatch as well as PSAP consolidation. There clearly needs to be a coordination of effort from the operational perspective, and the potential impact on the immediate delivery of emergency services. Centers in the Portland and Lewiston/Auburn areas are addressed above.**
- **We (Public Safety) are consistent in our belief that: 1) PSAP and Dispatch consolidation should be coordinated in unison. To pursue one, absent of the other would strongly enhance the likelihood of a bifurcated system; 2) There should be no less than two PSAP's in our state, if not for any reason more important than redundancy. Any number beyond that should be made in a fashion that supports the previous statement, while not debilitating/degrading the service delivery expectations of an efficient 9-1-1 system. The following are comments and observations that represent some additional points of interest and concern.**
- **If the ideal methodology for service delivery is to have the dispatch and PSAP consolidated at the same location, the county model being proposed should be viewed as an intermediate step. Currently, the model proposed will result in the use of 16 bifurcated communications infrastructures for service delivery. The complex databases associated with the delivery of dispatch services would continue to remain proprietary and/or independent. This will create barriers. Pursuit of a statewide solution would create potential for one commonly shared data infrastructure. First responders would no longer have to ask their dispatcher to call another dispatch center to obtain vital information not contained in their local database. The effort being put forth in central Maine should be viewed as a model for future consolidation. The new Communications Bureau in Augusta will provide the ideal venue for a true statewide solution, as it will be the only agency in our state with a communications infrastructure that has no boundaries. As the State moves forward under the direction of the new office of Office of Information Technology, it is possible that a service delivery model for communications infrastructure and data support will be an attractive alternative for agencies wrestling with infrastructure upgrade decisions.**

**We meet many of the objectives defined within the Fire Chiefs proposal by spelling out a minimum of two centers and that three other centers should remain due to call volume. We also spell out that PSAPing and dispatching go hand-in-hand and must stay that way. We obviously are steering in the direction that fire dispatching is a dedicated position within the dispatching centers.**

Good morning Senator Strimling and Representative Gerzofsky– it is a pleasure to address you day. I'm Major John Fetterman, Deputy Chief of the Maine Marine Patrol.

I am a 29 year veteran of the Bureau, serve as the Boating Law Administrator for the State of Maine --- I am currently a member of the Executive Board of NASBLA's (**Spell out as no one will know who NASBLA is**) and serve as chair of it's Homeland Security Committee. So, as I briefly highlight some of the maritime security issues that we face here in Maine – I will also identify for you some of the gaps which currently exist in the maritime arena.

Shortly after two terrorists passed through a security check in Portland Maine, hijacked aircraft and flew them into the World Trade Center, Marine Patrol received the first of many calls to backfill for one Coast Guard mission after another. Marine Patrol Officers covered search and rescue missions as Coast Guard stations in Maine lost resources to large cities along the east coast and were mandated to conduct security patrols in Maine ports. With reduced Coast Guard assets in Maine we were called upon to conduct port security patrols, escort shipping traffic, protect state and federal assets along our coastline. All this happened much faster than you might think.

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Without depth of program at either the federal or state level this is the formula that unfolded on September 11, 2001.

Within 6 hours – Marine Patrol officers responded to the first of 36 search and rescue calls over the next month. Normally we respond to that many over a six month period.

Within 12 hours – Marine Patrol working from the MEMA EOC was notified that USCG personnel exhausted and asked Marine Patrol to augment and backfill for Port Security patrols.

Within 72 hours – Both Coast Guard and Marine Patrol had exhausted all available personnel – It was at this defining moment that we recognized the true scope of the gap.

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The Coast Guard nor the state could sustain effort much beyond a 12 hour event, with existing resources within the immediate area. Since this scenario played out ---- we now have fewer federal assets in Maine. Today, in Maine waters, the Maine Marine Patrol has more boats in the water than the Coast Guard.

We don't have enough officers to man those boats for more than a 72 hour event. To fill the gap we are forced to recruit personnel from outside our own Bureau, personnel inexperienced and ill-equipped in the marine environment.

The demands of homeland security are far removed from our traditional mission and come to my small agency with a heavy price. – An unfunded mandate on the back of a crippled appropriation from the State's General fund support to my Bureau. This situation has forced the use of dedicated funds outside of their intended spending parameters.

Maine was the first state and the Maine Marine Patrol was the first maritime law enforcement agency --**in the nation** to develop an MOU with the Coast Guard in support of Safety and Security Zones. That MOU has become a national template, states across the country are signing in support of the necessary coordinated effort which must take place, if we are ever to effectively reach MARSEC 1 --- let alone respond to times of elevated security conditions. Most recently we responded to elevated security conditions in the weeks following the London Bombings --- we escorted and monitored mass transit ferries from ports, even here in Maine without a dime of federal or state support. Since the initial security response I outline earlier my small Bureau has lost all capital, more than 50 % of its all other – operational funding and funding has eliminated 10% of our officer positions.

When a marine patrol officer leaves the dock he operates without the traditional law enforcement “backup”. That officer, whether on a fisheries patrol, recreational boating safety patrol, search and rescue mission, hazmat spill and especially now on a security patrol -----is typically the sole resource capable of acting as a force-multiplier in support of the Coast Guard mission. This is especially critical in areas where the Coast Guard has limited or no resources. What was once an occasional call to assist the Coast Guard is now a routine occurrence. We now backfill for both traditional Coast Guard calls for service and augment security missions that the Coast Guard is struggling meet.

Over the last 3 ½ years much has been done to identify the gap associated with Homeland security. In the maritime environment I have been fortunate to represent NASBLA and marine patrol agencies across the country as they have worked with the Coast Guard and identified:

- Risks associated with our ports –
- Resource deficiency assessments
- Information and operational gaps associated with “small boats” – those boats not currently regulated by MTSA.

Homeland Security dollars to date have focused on First Responders and have done much to harden our Ports – but the programs and the money stop --- **at the end of the dock**. The 80/20 formula doesn't reach the Coast Guard's primary operational partner. **State boating law enforcement**

**Little has been done to support the preventative measures which must take place – before a vessel enters our port, crosses an international boundary and delivers the next event, to our state.**

As outlined in your handouts several key documents have been developed at the national level, which highlight the single greatest mitigation factor associated with maritime security. The risk associated with small boats, the conveyance identified as posing the greatest risk, is mitigated by the presence and activities of state and local maritime law enforcement. History shows the attractive remote profile Maine has long presented to rum runners, drug smugglers and terrorists a perfect environment for the “ones and twos”, those one or two people who will trigger the next Homeland Security event in this country, could well enter Maine

The single largest preventative action we can make is presence in the water.

Federal Homeland Security dollars are not a silver bullet in preparing us for a comprehensive Homeland Security posture. Homeland Security is not just about a terrorist attack -----

Look at the recent lessons learned in the Gulf States, in the aftermath of hurricanes Katrina and Rita. State and Local government were ill prepared, and heavily criticized by failing to meet the public expectation of an adequate response. Congress tells us that the burden rests jointly between the states and the federal government. When a major maritime event hits Maine, I don't feel we're prepared to withstand the public scrutiny based on current federal/state funding support contributed to the Homeland Security effort.

The US Senate review which is currently being conducted will evaluate the effectiveness of the local, state and federal response. I am confident, from early reports I have reviewed, congress will identify and recognize the DNR officers from across the country who hit the ground running with their operational partner – US Coast Guard – they had the capabilities, expertise and equipment to operationally mesh as a force – they do it every day, just as we do here in Maine.

The partnering that takes place within the Maine State community works ---- and is looked upon by my counterparts across the country as a model, such as:

- Our relationship with MEMA—the coordination of effort, information and resources are housed in the right place, but as a small under funded department, MEMA needs our full support. The recognition of their expertise and mission require adequate funding to be effective.
- How we capitalize on the expertise of partner agencies– again by example the MSP / MMP partnership in creation of the – Maritime Tactical Team. We have been successful in pairing marine patrol boats and operators with State Police Tactical teams. We have jointly trained to a level compatible with federal MSST (Maritime Safety and Security Teams) – we are an effective force..... WITHOUT FUNDING.

- Those same training programs developed here in Maine are now being utilized at the Federal Law Enforcement training Center (FLETC) in Charleston, South Carolina.

Much needs to be done to promote an effective preventative strategy:

- State law enforcement needs “real-time” information and data to effectively partner on a national level. Typically our information is as old as a CNN report. And necessary data such as VIS and VMS is beyond our reach.
  - By example – Marine Patrol Officers and vessels still don’t have computer access.
- We must capitalize and invest in the expertise that exists.
  - Every law enforcement agency in the state doesn’t need a boat. The agencies that have a maritime mission need the resources to expand the depth of program, to keep those boats and officers on the water.
  - Every agency doesn’t need an intelligence unit – we need the support to fully participate as a state with our federal partners through the Maine State Police and programs such as the Joint Terrorism Task Force (JTTF).
  - Every agency doesn’t need another command post or operations center – we need to maximize the effectiveness of MEMA’S state of the art facility and give them the ability to more effectively operate and coordinate the already established partnerships within.
- We must adequately cover the full spectrum of the three primary principles
  - Prevention
  - Response
  - Recovery

If we are to keep faith with the public expectation relating to the defense of our state and nation, we must take full responsibility at the state and local level.

Good morning Senator Strimling, Representative Gerzofsky, distinguished members of the Commission:

My name is Mark Dion. I am the Sheriff of Cumberland County. I am here today to speak to you on behalf of the citizens of my county and the Maine Sheriff's Association.

To understand what we need, what works and what may be possible, you must first check your perspective on the state of emergency planning in a post 911 world.

A Congressman or woman standing on the steps of the Capitol looks out across the Potomac to Virginia and Maryland. What he sees is one of the most highly evolved emergency service systems in the country. An emergency services network built upon a consolidated regional platform, organized by county, politically validated by an on going state, county and municipal commitment to inter-disciplinary, intra-agency service integration.

The successful pre-planned response to the 911 attack on the Pentagon lies in testament to the potential for productive county based efforts.

The political horizon visible from the steps of this building is one alien to the view seen from Washington.

Maine is fragmented. Our challenge is both that simple and complex.

Consider that in Cumberland County alone, public safety resources are managed by at least five different software applications not compatible with one another. Available information is communicated to officers, firefighters or EMTs from one of a dozen possible dispatch centers.

Local control, despite isolated grass root initiatives, stands to handicap our collective responsibility to effectively manage the resources and personnel needed to respond to emergency events that simply ignore the historical convenience of municipal boundaries.

Local initiatives, acting independently from one another have lead to a technology landscape populated with an array of devices, systems, and procedures, which, when confronted with the stress of unexpected emergency, will create confusion in our ability to understand the scope and nature of the disaster at hand.



The legislature must take affirmative steps to do what grassroots leadership alone, cannot guarantee, consistency in technology across the breadth of the state's public safety systems. Compatibility of information management systems must occur if we are to achieve interoperability

Inter-operability is the cornerstone to the proper alignment of first responder resources. It cannot occur without data connectivity. State mandated standards that encourage the purchase and installation of both software and hardware that possess the ability to interface data systems among separate agencies must originate at the top of the political food chain

Put simply, we cannot act without knowing what it is that we do or do not know. We cannot make informed command decisions if the information from the field is collected, transmitted and stored in locked, agency specific boxes.

Special interest data management erodes our ability to react effectively to any natural or man made disaster event.

In our recent support mission to Washington Parish, Louisiana we witnessed, first hand, how critical interlocking communication technology was to the effective allocation of relief resources.

Agencies that had relied on local equipment and procedures were quickly taken out of play by wind and water damage. Technology isolation canceled any chance of proper coordination.

We canceled the deployment of our command center vehicle to Washington Parish because there was no possibility of tying into existing radio frequencies. Instead, we equipped our vehicles with geo-positioning equipment loaned to our Office by LL Bean. We were then able to dispatch and track our deputies in the LA. back country.

The question today is whether or not we would face similar constraints if we were deployed to Aroostook county to assist that Sheriff manage flood relief in the Saint John River Valley.

The reality of fragmented data collection and dissemination is being challenged in Cumberland County.

Today, 110 thousand of Cumberland County's 277 thousand citizens have had their initial expectations met; that in an emergency all available public safety resources

will be connected and coordinated to act in their best interest. We will all know what it is that each responding agency knows.

Today, eight police agencies, eight fire departments, their respective medical rescue units and the county HazMat team have been linked together to provide a more dynamic, interconnected safety net to twenty-two of the county's twenty seven communities ( project does not include Freeport, Brunswick, Cape Elizabeth, Bridgton, Portland, Scarborough or So. Portland).

The cyber info net created by this collaborative allows the participating agencies the critical capacity to share relevant information not only across agency lines but among the disciplines of fire, police and medical response services. Incident Command Systems become a reality in this type of data infrastructure environment.

This regional, although limited, response to interoperability has been largely accomplished through the exceptional leadership exhibited by Falmouth Police Chief Ed Tolan and Chief Deputy Kevin Joyce of the Cumberland County Sheriff's Office.

Chief Tolan should be credited by this body for his work in forging the initial police partnership.

Chief Joyce should also be acknowledged for his efforts to incorporate fire and emergency medical services into what could have easily remained a police only initiative.

The project, IP MobileNET, allows personnel to receive wireless transmissions containing photographs, hazardous material databases, e-mail from incident commanders, voiceless paging, global positioning coordinates, as well as intelligence bulletins from key federal agencies.

In the 2006 fiscal funding cycle the collaborative hopes to expand the technology to facilitate the transmission of institution based data: floor plans and location specific recognition of hazardous material; additionally we would seek the capacity to share containment and evacuation plans to better deploy on scene response units.

The other key lesson that this Office took from Louisiana is that we need to rethink our organizational assumptions about the nature of disaster response and the role of first responders.

The working culture of firefighters, police and emergency medical technicians is one that asks our members to go in, get the job done, and then get back in service. We

measure our response capacity in terms of minutes or maybe in certain isolated cases, hours. Public safety timelines, for the most part, anticipate clear start and end points. Disasters do not.

There has been precious little thought, planning or training on how to manage our resources over the extended transition periods between the onset of a catastrophic disasters and the arrival of community stability. Do we have the organizational stamina to last the weeks that will pass before the crisis is stabilized?

There also has been little energy assigned to assess our mission as public safety agencies during an extended state of recovery. Our deputies arrived in Louisiana to be charged with securing and administering a relief center, providing food and medicine to needy citizens. Their police training had not prepared them for this new role dictated by circumstance and demand.

We tend to focus our expertise and financial support on first response strategies. We may, in some respects, expect that we will resolve disasters much in the same way we have successfully responded to the short term emergencies which make up the bulk of our organizational experience.

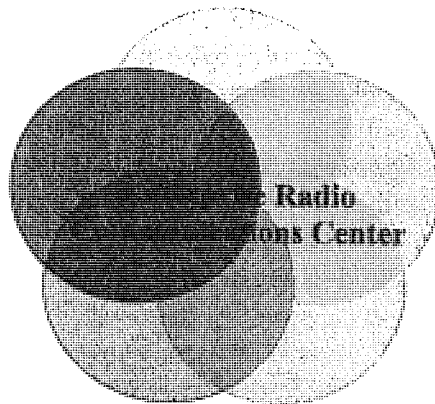
It is important for legislative leaders to assess the viability of current in state training curriculums to insure that they will prepare public safety and health officials in the technologies, processes, logistics and asset management skill sets needed during a crisis measured in the weeks or months.

A joint training institute involving local police, fire, medical, public works and EMA cadre from both state and federal arenas should be mandated for executives from each discipline and should be seen as essential to certification as a public executive.

Interoperability should not be limited solely to a debate on the hardware of information management but must be expanded to include human resource initiatives that will promote the development of an interdisciplinary work culture among emergency response leaders.

Thank you for your attention.

Communications  
Update to the  
**Homeland Security  
Task Force**  
**Brunswick Maine**



Thursday November 17, 2005

Richard Thompson, CIO  
Office of Information Technology  
Department of Administrative and Financial Services  
State of Maine

Since September 11, 2001, the effectiveness of America's communications capabilities in support of the information needs of first responders and other public safety workers has been a matter of concern to Congress. Most public safety advocates consider that the communications failures following the onslaught of Hurricane Katrina (and Rita) demonstrate that there is much still to be done to provide the United States with adequate communications capabilities in emergencies.

Maine is no different. Two significant and specific needs must be addressed:

### **Infrastructure:**

Much of the infrastructure in Maine at all levels is in need of replacement or upgrade. Notable exceptions do exist, but at the State Public Safety level and for many, many first responders (County, EMS, Fire Services, Law Enforcement, etc) investment must be made.

Maine needs to build a more robust radio communications infrastructure, and to improve interoperability of the VHF communications system. This can and will best be accomplished by using the Maine Office of Information Technology (OIT).

A transformation of information technology management in State Government is now well underway in the Executive Branch under the leadership of the State CIO. This is a radical organizational departure from the past, and will allow State Government to perform more successfully, both internally and in cooperation with other levels of government, both local and federal.

Reporting directly to the CIO, a new State Radio Services Division has been created. The Department of Public Safety is the first agency to be impacted by this change. Good planning and smart decisions are being made to redevelop this radio system that operates statewide. The Maine Legislature recently authorized investment in this system through OIT.

Local Maine governments from county to municipal must act in a coordinated effort for all of the State of Maine to gain appropriate levels of interoperability. The bottom line is that united we will succeed: divided we will fail. There is no other way to success for us all. We must assent to a common understanding of this solution, and focus our efforts on creating a unified system that ultimately will fulfill our local needs. Today, it will occur only on a voluntary basis, and the leadership (state or otherwise) has not moved this along.

Building the new statewide communications infrastructure is similar to the building of the State Highway system in the last century. The State was able to secure federal funding to construct highways across town and county boundaries. In this information age, federal funding for radios requires us to transcend our local boundaries: to plan and act regionally. We in Maine must join together as one to compete with other states and secure adequate funding, and to plan and implement a statewide interoperable communications infrastructure.

### **Implementing True Interoperability:**

The best infrastructure will fail without needed cooperation, flexibility and repeated training. There is no specific person or organization with the direct responsibility and authority to implement operational policy across all levels of emergency response. Cumberland County has developed a concept of operations in an attempt to make this happen. This leadership should be applauded and emulated. The time to act should have occurred long ago and it has not happened.

The following steps are needed:

- Leadership – There is no mandated authority responsible for development, issuance and management of a Policy. Until, such an entity exists, the Office of Information Technology should (and will) issue a protocol to be used in conjunction with existing interface/interoperability with statewide radio systems.

This action will spur discussion and improvements. It is not, however, a technology issue. This is leadership and management of resources during an incident or event, and recognition of this should provide some comfort to first responder agencies who want to maintain local control.

- Frequency Management – There is no strongly coordinated approach to frequency management in Maine. The best use of existing infrastructure and bandwidth is by good frequency management. “Ownership” of frequencies is a hot topic and one that needs to be addressed.
- Shared and Focused Resources – There is much more to the development and use of radios, frequencies and towers to respond in an emergency. The number and quality of technical solutions are available to meet our technical challenge. Resources must be identified and shared to bring all agencies to a proper level, including training and operations.

All levels of government and the first responder community (including their representative associations) must be engaged to ensure a successful effort. Legislation may be needed and can be useful going forward to aid in implementation.

### **Significant Recent Actions by the State:**

- Internal Steering committee implemented to address State communications
- Identified and adapted new approach to Maine State Police Radio System – Digital Narrow Band VHF
- Sought and achieved spending authority to begin redevelopment of the State's failing network infrastructure
- Decision that State Office of Information Technology to develop, operate and maintain the State Public Safety Radio Network
- Management level position developed to support activity at the State Office of Information Technology
- Design consultant solicited through RFP process
- Pilot joint tower projects in Union implemented
- Infrastructure database created, using GIS to identify potential system expansion or collocation
- Draft Statewide Concept of Operations presented to Chief Information Officer for consideration
- Meetings with interested government partners (county and local level) underway

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### **State Contact Information**

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**MAINE CHIEFS OF POLICE ASSOCIATION**  
**Public Hearing – Monday, October 17**

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On behalf of the Maine Chiefs of Police and its President Chief Phillip Harriman, Baileyville Police Department, and the Executive Director, Retired Chief Robert Schwartz, South Portland, thank you for including our association in this public hearing.

I will speak on endeavors by our organization, but also as the Chief of the Brunswick Police Department regarding what municipal law enforcement has and is doing in the way of Homeland Security and Domestic Preparedness.

1. Many local departments, along with our fire and E.M.S. counterparts, have and continue to participate in Mock Disaster Drills with local hospitals to assist them in monitoring their certifications.
2. There has been an expansion of Mutual Aid Agreements with neighboring police and sheriff agencies, in order to assist each other in emergencies, allowing law enforcement powers to extend beyond their own borders.
3. Signing further agreements under 30-A, M.R.S.A., §2674 {Aid to Other Law Enforcement} to allow cross-boarder task force enforcement after September 21, 2001 (Law's effective date).
4. Some agencies have sought and attained Statewide Arrest Powers, within the past two (2) years, to further allow more law enforcement officers to be able to take action across jurisdictional boundaries.
5. The Maine Chiefs of Police have sought and attained a \$210,000 Grant to administer funds to a computer-based website for terrorism classes on-line for ALL first responders. This has also allowed classroom training for CEO's to enlighten them to this new technology-based training.



6. The Maine Chiefs of Police has also reapplied, in this year's Homeland Security funding through General Libby's office, for another large grant to further these web-based trainings and technologies beyond where we are today for ALL first responders.
7. Municipal, county, and state first responders have held or hosted major disaster drills to hone skills, and identify areas of improvement in work and equipment to further domestic preparedness.
8. The Federal Burnes Grants and local law enforcement Block Grants {Now Justice Assistance Grants} have been used to enhance our local capabilities with equipment.

# MAINE FIRE CHIEFS' ASSOCIATION HIGHLIGHTS FOR REGIONAL COMMUNICATION CENTERS



October 4, 2005

## **Maine Fire Chiefs' Association**

Fire Chiefs throughout Maine and other such persons, as we shall deem it proper to join us, form ourselves into an organization to be known as "The Maine Fire Chiefs' Association."

The Maine Fire Chiefs' Association is a non-profit organization.

## **Purpose**

The purpose of which shall be to promote and develop professionalism, foster political relationships, provide Chief officer certifications and provide leadership qualities for Maine Fire Service.

Established 1912

The Maine Fire Chief's Association represents all sixteen counties in the State of Maine. At the last Maine Fire Chief's Board of Director's meeting in Boothbay Harbor, Chief Jeffrey Cammack of Bangor, Chief Barry Norris of Union and Chief Mark Kimball of Gardiner were asked to put together a discussion paper on Regional Communication Centers. This discussion paper is meant to be a very broad overview of Regional Communication Centers for the State of Maine. While drafting these highlights for Communication Centers, we looked at current Communication Centers and Communication Centers that are being proposed.

The following is a look at what we consider to be the most important five areas in making Regional Communications functional and successful:

## **How many Regional Communication Centers and where would they be located ?**

We believe that four Communication Centers located throughout the State would provide both efficient service and a functional service. For lack of better terms, an North, South, East and West Communications Center, while recognizing the need for four Centers. We would leave the location of the Centers up to the end users. We do agree that each Center should be a P.S.A.P (Public Service Answering Point), as well as a Dispatch Center. We also agree the Center should comprise of 9-1-1 Call Takers and Public Safety Dispatchers and have a separation between Police and Fire/EMS Dispatchers. The Dispatchers should be crossed- trained but, when working, they would only serve one public safety entity.

## **How would the Regional Communication Centers be governed?**

We recognize currently that each and every Communication Center throughout the state is governed differently. In recognizing that, we need to create a governing body that all end users will be part of and will buy into creating ownership. After looking at some of the current and proposed governing models, we agree that this governing body should match the current E-9-1-1 board. This model is truly representative of all the stakeholders. We strongly feel that if the governing body were made up of all stakeholders, the Regional Communications Center would be positioned to be successful.

## **To whom does the Governing body report to?**

This area, along with funding, is one of the most important issues and will certainly lead to failure if not addressed early in the process. We believe that if any one entity that utilized the Regional Communications Center also had ultimate control of the Regional Communications Center, that the Regional approach will not be successful. In order for the Regional Communications Center to be successful, there needs to be a neutral party responsible for the operation of the center. We believe that MEMA (Maine Emergency Management Agency) should be that entity. We also believe that the Director of MEMA needs to be a cabinet level position. We believe by having MEMA at the cabinet level and by having MEMA in charge of the Regional Communications Centers on a state-wide basis that we, as first responders, will have the best opportunity in attaining true inter-operability.

# Maine Fire Chiefs' Association

## Highlights for Regional Communication Centers for the State of Maine



October 4, 2005

### **Maine Fire Chiefs' Association**

Fire Chiefs throughout Maine and other such persons, as we shall deem it proper to join us, form ourselves into an organization to be known as "The Maine Fire Chiefs' Association."

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Established 1912

### **How to provide funding for Regional Communication Centers?**

Currently Communications Centers are funded by a vast array of taxes of which some are surcharges, property taxes, income taxes, sales taxes, and county taxes. We would propose that the four Centers be funded by a surcharge on all telephone bills, whether it's fixed lines or cellular lines. We know that the current surcharge generates between 4 and 5 million dollars. We agree that after identifying the locations of the Centers, identifying how many personnel is needed to run each Center, and identifying costs to upgrade and enhance needed infrastructure, that the surcharge could be increased to generate the needed funding to support the four Regional Communications Centers. We believe this would give true property tax relief. We recognize that some legislative issues would also need to be addressed. One change would be the county's authority to continue to have Dispatch Centers while passing the costs associated with the Dispatch Center along to the municipalities.

### **What Level of Service should be provided?**

We agree that no public safety entity should have to settle for less service than they are currently receiving. To put it bluntly, no one has to settle for mediocre service. If the Regional concept is going to work, it needs to be able to provide up-to-date services and be planning for future improvements. Plainly stated, the bar for service needs to be set at the highest level and not the average or certainly not the lowest. An example of this is that Regional Communications Centers cannot be talking about Mobile Data Terminals. Regional Communications Centers need to be providing this service.

We believe that this outline is a good starting point for discussion purposes if we as public safety personnel truly wish to demonstrate to the public our willingness to provide an efficient and cost-effective approach to Regional Communications Centers on a state-wide basis.

Testimony of Jay Bradshaw, Director, Maine Emergency Medical Services

before the

Task Force to Study Maine's Homeland Security Needs

Monday, October 17, 2005

Senator Strimling, Representative Gerzofsky, and members of the Task Force to Study Maine's Homeland Security Needs:

Thank you for this opportunity to participate in this hearing. I would like to take a few minutes to provide a high level summary of Maine EMS, and the strengths, weaknesses, and challenges that we face.

Maine EMS is a bureau within the Department of Public Safety that is responsible for the coordination and integration of all state activities concerning emergency medical services and the overall planning, evaluation, coordination, facilitation, and regulation of emergency medical services systems.

I will focus my comments on the "system" that is EMS, because that is the foundation upon which our ability to respond to large scale incidents is built.

You have heard from others today that the initial response to most emergencies is handled at the local level, and this is equally true for EMS. During the ice storm of 1998 it was the local EMS services who went door-to-door checking in on residents, and moving many to shelters. These local services did not need anyone to tell them this was an important task because they all knew that to be the case. There were situations where Maine EMS was utilized to assist with larger scale relocations, which is why we are members of the Emergency Response Team and staff the Emergency Operations Center when conditions warrant.

EMS in Maine is provided by a combination of paid and volunteer personnel (n = 5,400). The training these personnel receive is not dependent upon their level of compensation, but instead upon their license level. 40% of Maine's 295 EMS services are affiliated with fire departments, the others are a combination of: hospital based, private, independent not-for-profit, and 3<sup>rd</sup> party municipal departments.

I would like to now speak briefly about some of the strengths of our system.

We are fortunate that because of the size and personality of our state, we know the key contact personnel for emergency planning and response. My office is literally next door to Fire Marshal John Dean; Commissioner Cantara and Colonel Poulin are only a few doors away. For several years I have known and worked closely with General Libby, Director Cleaves, Dr. Mills, and many others who have testified here today. On a regular

basis, Maine EMS works closely with MEMA and the Bureau of Health, Office of Public Health Emergency Preparedness.

A mass casualty incident is when the response needs exceed the local resources. During these situations, it is essential that all responding personnel are similarly trained. Earlier today you heard Director Cleaves refer to the National Incident Management System (NIMS). For nearly two decades, Maine and our neighboring New England States have been using the New England Council for EMS Mass Casualty Training program. The NECEMS program is consistent with the NIMS training.

I would also like to bring to your attention some of the challenges we face:

While there have been, and continue to be, significant funds available from the Department of Homeland Security, from the Health Resources and Services Administration, and from the Centers for Disease Control, accessing these funds has been difficult for many EMS services. While those in Washington, DC, will state that all EMS services should be eligible to participate in these grants, the reality in Maine is that private ambulances (including large non-profit services) have been unable to obtain grant funds in some counties. While it may be relatively easy to identify a funding source for necessary equipment, identifying a funding source for planning and exercising can be complex.

On the national level, this problem was so significant that Congress actually put in a requirement that a minimum of 4% of funding for homeland security be provided to EMS services. The language currently under discussion in a Congressional Conference Committee would require that states falling below the 10% level for EMS must provide an explanation. I don't know what the figure is in Maine, but I suspect we exceed the 10% level because of the support that comes from some county EMA officials, including the two you heard from this morning. However, just as county needs vary, so does the relationship between the County EMA office and the local providers – especially the non-municipal EMS services.

Last week I had the opportunity to attend a conference of state EMS directors and speak directly with the EMS directors from the Gulf states. Their experiences following hurricanes Katrina and Rita were sobering, to be sure.

Our involvement following these disasters was to work closely with MEMA and utilize the EMAC system for resource identification and deployment. I think that in Maine, this system worked well. We continue to receive updates on requests and deployments – and I think that Maine is an example to other states about how this system can work efficiently.

## Testimony for Task Force to Study Maine's Homeland Security Needs

Thank you Chairman Strimling, Chairman Gerzofsky and members of the Task Force for your invitation to be part of the panel today. My name is Suzanne McCormick and I am the Chief Executive Officer of the American Red Cross of Southern Maine and the State Liaison representing the four Red Cross Chapters in the Maine. I am pleased to be here to discuss Maine's Homeland Security Needs and the role of the American Red Cross in disaster response.

For more than 123 years, the mission of the Red Cross has been to help Americans prevent, prepare for and respond to emergencies. We were chartered by Congress in 1905 to provide a system of disaster response and to mitigate suffering caused by disasters - and we continue to meet this mandate today. We have a long and proven track record of immediate response to disasters, both small and large, natural and manmade.

Nationwide, the Red Cross is made up of a network of nearly 900 chapters, eight regional service areas and 36 Blood services regions. We provide a unique community based network to support all-hazard disaster preparedness and response. In Maine there are four Red Cross Chapters - Pine Tree Chapter Headquartered in Bangor, United Valley – headquartered in Lewiston Auburn, Midcoast Chapter – headquartered in Brunswick and the Southern Maine Chapter which is headquartered in Portland. Over the past year, the Red Cross chapters in Maine have responded to nearly 350 local disasters, as well as the Tsunami disaster last December and most recently, Hurricanes Katrina and Rita. This

was achieved mostly through a network of trained volunteers – over 3000 statewide pre-Hurricane Katrina. Since Hurricane Katrina, that number has nearly doubled. In Southern Maine alone, we trained 850 new volunteers in the two months following the hurricanes and deployed 90 volunteers to assist in the Gulf States.

Under the National Response Plan, The American Red Cross serves as the Primary Agency for mass care (ESF #6) and is responsible for the provision of food, shelter, emergency first aid, disaster welfare information and bulk distribution of emergency relief items.

Before, during and after disasters strike, our shelter services for disaster victims include the use of pre-identified shelter sites in existing structures or the creation of temporary facilities, and the use of similar facilities outside the disaster affected area should evacuation be necessary. In Maine we currently have 552 pre-identified shelter sites.

Feeding services are provided to disaster victims and emergency workers through a combination of fixed sites, mobile feeding units and bulk distribution of food. In Maine we have identified currently 21 mobile feeding vehicles and we have agreements with local and regional vendors for the provision of needed food items.

Red Cross disaster welfare information services provide timely accurate and verified information regarding individuals residing within the affected disaster areas. Information is collected and provided to immediate family members outside the affected area through

identified systems. Disaster welfare information is also provided to aid in the reunification of family members within the affected area who were separated at the time of the disaster.

The Red Cross also serves as a Support Agency to the Department of Health and Human Services for Public Health and Medical Services (ESF #8), providing blood in coordination with the Inter-organizational Task Force on Domestic Disasters and Acts of Terrorism. We have also undertaken an expanded function under the NRP within external Affairs (ESF #15) to help disseminate accurate and timely information to those affected during an incident to help better protect themselves. Ultimately, our activities under the NRP focus on meeting the human needs associated with disasters.

From the Red Cross perspective, areas of strength in our state include:

- ✓ A solid sheltering system, which still has components that need strengthening
- ✓ Strong partnerships with MEMA and other state agencies
- ✓ In most areas, strong partnerships with county and local EMA directors
- ✓ Our ability to quickly train large numbers of people to meet critical needs
- ✓ Strong community partnerships with other social service providers

Areas that need to be strengthened:

- ✓ Continuous need to educate local and state authorities on the roles and responsibilities of Red Cross in the area of sheltering – including a clarification of roles statewide on special needs sheltering



- ✓ Development of more animal shelters by local EMA officers and animal welfare agencies - in close enough proximity to human shelters so that people will leave their homes and come to shelters, knowing their pets will be safe.
- ✓ Public preparedness
- ✓ Coordination and sharing of Client Information with appropriate partner agencies

Thank you.

**CITY OF SOUTH PORTLAND, MAINE**  
**EMERGENCY MANAGEMENT PROGRAM**  
**OVERVIEW**  
**November 2005**

This paper summarizes the progress made by the City of South Portland, Maine, to bolster emergency management and homeland security efforts since September 11, 2001. Our emergency management program was the first to be recognized by Governor Baldacci as an example of what Maine communities should be doing with homeland security funds and programs.

On September 11, 2001, teams of terrorists attacked the World Trade Center twin towers in New York and the Pentagon in Arlington, VA. It was soon learned that the mastermind of this act of terrorism, Mohammed Atta, stayed overnight on September 10<sup>th</sup> at the Comfort Inn, in South Portland, Maine. His car was found at the Portland International Jetport. Atta flew from Portland to Boston, where he joined the rest of his team to hijack a jet and then flew that jet from Boston into the World Trade Center.

**Introduction to South Portland**

South Portland is a growing community of 23,324 fulltime residents. The city is located just south of the city of Portland, Maine's largest city. Portland Harbor is bounded by Portland on the north and South Portland to the south. There are nearly 300 fulltime municipal employees. The Fire Department has 65 fulltime-uniformed employees, all of whom are trained to the hazardous materials technician level. The Police Department has over 50 fulltime employees, and has its own SWAT team and vehicle, a bomb sniffing dog, and several other homeland security type assets.

South Portland is home to many businesses and industries that benefit the community, the region and the entire state. However, these same businesses and industries can now be construed as possible terrorism targets, as described below.

The Maine Mall – this mall, located on the western side of South Portland, is Maine's largest mall, consisting of over 150 stores in one large complex. The Mall is visited by tens of thousands of people daily from around the southern part of the state of Maine. On busy shopping days, the population at the Maine Mall can double or triple the actual population of South Portland.

Portland Jetport – the runways of the jetport are located in South Portland. However, as the terminal and parking garage are located in Portland, security and primary fire protection responsibilities fall to the city of Portland. South Portland emergency resources are called in for any major event involving aircraft.

Oil Tankers and Oil Terminals - the combined storage and delivery capacity of the oil terminals described below make **South Portland the busiest oil tanker port on the east coast of the United States in terms of tonnage**. Oil tankers enter the port of South Portland nearly every day to offload their product.

Portland Pipeline and oil terminals – The Portland Pipeline Company offloads crude oil from large oil tankers and stores that oil in one of its 23 storage tanks, which have a capacity of storing 3.5 million barrels of crude oil. The Pipeline ships crude oil to Canada via a large pipeline.

Mobil/Exxon Pipeline – This Company receives shipments of refined gas and diesel fuel along with #2 heating oil and K-1 fuel.

Motiva – this company receives tankers carrying unleaded gasoline and #2 fuel oil.

Gulf Oil – the Gulf terminal receives Jet A and JP-1 fuel for the federal government, as well as unleaded gasoline, #2 heating oil and #6 heating oil for paper mills.

Sprague Energy – this terminal receives Jet A and JP-1 fuel for use at the Portland Jetport. The terminal also receives shipments of asphalt, K-1 fuel oil and #2 fuel oil.

Global – this terminal receives K-1 and #2 heating oil.

Semi-Conductor Manufacturers - South Portland is home to the world headquarters of Fairchild Semiconductor, and is home to one of Fairchild's largest manufacturing plants in the world. South Portland is also home to a very large National Semiconductor manufacturing facility. Both Fairchild Semiconductor and National Semiconductor are located in the same general manufacturing complex, which is adjacent to the Portland Jetport.

Southern Maine Community College – South Portland is home to SMCC, a community college offering two-year degrees in a variety of fields. Students, staff and faculty at SMCC can add several thousand people per day to the total population of South Portland.

US Coast Guard - The US Coast Guard maintains a large base with several boats in South Portland. Command offices and the Marine Safety Office are located across the bay in Portland.

Rigby Rail Yard – The Rigby Rail Yard is owned and operated by Guilford Transportation, and is the largest railroad yard in Maine. Rail car maintenance facilities are located at the Rigby Yard. Every week, dozens, if not hundreds of chemicals and other potentially hazardous materials pass through the Rigby Yard.

Monson Chemical Co. – Monson Chemical Co. stores and handles chemicals used in the paper industry, for water treatment facilities, semi-conductor chip manufacturing facilities, and handles bulk salt deliveries to all of New England. Monson also packages calcium chloride and sells it under the brand name of "Supermelt". Monson also handles chemicals for large chemical companies such as General Chemical and Dupont.

## **Emergency Management leadership**

South Portland is unique in its approach to emergency management. On September 11, 2001, the City Manager formed what was to be called the Emergency Management Leadership Team (EMLT). The EMLT consists of the City Manager, Police Chief, Deputy Police Chief, Fire Chief, Deputy Fire Chief, Public Works Director, the city Corporation Counsel (also the designated city public spokesperson), the Welfare Director (also the city shelter officer), the Director of Transportation/Waterfront/Emergency Management, along with representatives from the school department. The initial mission of the EMLT in September 2001 was to evaluate what South Portland should do in the short term to prepare for possible acts of terrorism. The City of South Portland prepared an Emergency Response Plan Annex to respond to the Terrorist Threat level advisories issued by the Department of Homeland Security.

In 2004, the city began receiving federal funding for homeland security improvements, funneled through the Maine Emergency Management Agency. In preparation for the receipt of these grant funds, 45 of our top managers and mid-level managers participated in level II Incident Command System (ICS) training. We were the first city in the State of Maine to have all management level staff trained in ICS.

The City's EMLT Team established the following goals for our anti-terrorism emergency response plan:

1. Protect first responders;
2. Protect lives and property;
3. Communicate to the public;
4. Meet mutual aid commitments;
5. Facilitate commerce as a regional hub.

This brief summary does not do justice to the effort the city put into creating a very thorough process for evaluating our needs and ensuring that grant funds would be used wisely. We did not merely take the list of allowable "stuff" and check off what we wanted. First, we identified risks and threats. We then established and prioritized our goals. We pinpointed gaps in meeting our goals. We then chose items on the list of allowable costs in the supplemental Homeland Security grant program, and leveraged other funding sources such as the Cumberland County Hazardous Materials – Terrorism Response Committee, to close those gaps. We made conscious and deliberate decisions that met the spirit and the intent of this important grant program.

The items we have requested are filling an identified gap, be it equipment to protect first responders, improve physical security, increase training, or enhance our emergency plans.

As we developed the goals of our mitigation and prevention strategy, we consciously considered our response plans and preparedness for other than weapons of mass destruction (e.g. events such as hurricanes, flooding, evacuation, etc). The items we have

requested not only close gaps in our ability to provide an effective WMD response, but will also serve us well in virtually any other major contingency, including day-to-day prevention and emergency response.

With the amount of money available and the number and complexity of projects deemed essential by the EMLT, the EMLT decided in mid 2004 to hire a fulltime Director of Emergency Management to coordinate the EM program, to ensure plans are written, exercises are conducted and documented, projects are completed and grant funds are properly expended and documented.

### **Ongoing Emergency Management Programs**

South Portland is using federal homeland security funds for the following programs:

First Responder Equipment - We estimate spending approximately \$200,000 of our FY 03 and FY 04 funds for first responder preparedness equipment in the Fire Department. The South Portland Fire Department (SPFD) is also designated as a state of Maine hazmat strike team and decon team, capable of responding anywhere in the state. Additional homeland security grant funds are received from the state to support this team.

Law Enforcement capabilities - We have spent additional homeland security funds, from the law enforcement terrorism prevention program (LETPP) to strengthen the capabilities of our police department Special Response Team (SRT). Funds have been used to improve the team's equipment, and the training received by the team has been upgraded. South Portland recently hosted (October 2005) a 3-day WMD course for the commanders of all the tactical/SWAT teams across the state of Maine. Our SRT/SWAT team is receiving special training in shipboard hostage/counter-terrorism tactics.

Public Safety Security - We have provided additional security measures around our Public Safety Complex, including new fencing, new retaining walls, granite bollards to provide some standoff distance for the 911 dispatch center, and upgrading our video display system with a new digital video recorder and new cameras. A new access control system has been installed and operational in the Public Safety Complex and along the South Portland waterfront. Additional security enhancements have also been made to our Public Works Complex, which houses our city gasoline supplies and other critical emergency equipment (busses, public works vehicles, etc.).

Emergency Management Director - This position is the only fulltime EMA director position at the municipal level of government in Maine.

Planning - Funds are being or will be used to refine the city All Hazards Emergency Operations Plan and to write procedures to implement the Plan and its many appendices.

Training, Drills and Exercises - Funds are being used to train first responders in various city departments in WMD and Hazmat awareness. Funds have also been used to provide

training for SPFD personnel to attend specialized schools at Texas A&M University, and other locations. We use the HSEEP program to develop, manage and evaluate our drills and exercises.

Several WMD and Hazmat drills and exercises have been conducted in 2004 and 2005, with more planned for 2006. South Portland has conducted two hazardous materials functional exercises for its fire department, and co-hosted a WMD based functional exercise with the City of Portland in 2004. We conducted six exercises in 2005, including a hurricane preparedness tabletop with the cities of Cape Elizabeth and Portland, and conducted a massive WMD full scale exercise at the Maine Mall Cinema complex on May 11, 2005, with over 300 participants from over 35 federal, state, local and military agencies.

Emergency Operations Center – We created a four-room suite in the basement of the Public Safety Complex to serve as an **EOC**, and to serve as a **training facility** for first responders and community groups. This facility has been used to manage several local emergencies, used to facilitate several exercises, and has been used by state of Maine agencies to conduct statewide training sessions and to manage a search for a missing person with over 100 volunteers present.

Other EMA projects – We have developed a ***Corrective Actions Tracking System (CATS)*** to ensure we capture, document and resolve issues and problems identified during training, drills and exercises, and in response to actual events .

We worked closely with the City of Portland to plan for security and EMA arrangements for the ***visit of the Queen Mary II*** into Portland Harbor in early October. The QM2 was too large to bring into a dock in Portland, so the ship was anchored off the coast of south Portland. We had constant South Portland Police Department (SPPD) presence in the Portland EOC during the QM2 visit, and the EMA Director spend the day of the visit on land with the SPFD and the SPPD, at the Portland EOC working with the Portland EMA Director, and on the water with the harbormaster.

We took additional measures to ensure ***the election process*** went smoothly in South Portland. The SPPD conducted training for all election workers to acquaint them with security issues and measures to be taken. The city EOC was opened at 0800 on election day and closed at 8 PM election night, when the polls closed. Security and WMD sweeps were conducted at each polling place prior to the opening of the polls, and a larger police and EMA presence was seen at the polls. No problems occurred on Election Day.

We have implemented a ***new citywide badging system*** to provide a higher level of security. All fulltime employees will now be badged with a new color-coded badge that also depicts any emergency management qualifications (shelter staff, EOC staff, medical training, hazmat training, etc).

We are ***upgrading our shelter plans*** in South Portland and are adding enough capacity to ensure we can shelter at least 10 percent of our permanent population. During Hurricane

Katrina relief operations in September 2005, the state and the American Red Cross asked South Portland to take the lead, along with the city of Portland, to develop plans to shelter up to 1,000 evacuees from the gulf coast area.

We are working closely with the South Portland School Department to help upgrade their *school security and emergency plans*, and will be using approximately \$125,000 of our Fiscal Years 2004 and 2005 homeland security appropriations to help upgrade security measures in our schools.

## **Conclusion**

The City of South Portland has a strong management team in place, in the form of the EMLT. The EMLT continues to oversee the expenditure of federal funds for homeland security purposes, and approves every expenditure. The EMLT also determines goals and objectives, and is used to implement and manage the various projects and programs described above. We have a fulltime EMA Director to ensure EMLT goals and objectives are accomplished in a professional, cost efficient manner.

Our federal homeland security funds are being used wisely to provide increased physical security measures, to provide state-of-the-art first responder equipment, and to improve our planning, training, and exercises programs. The Homeland Security Grant Program has had and will continue to have a very positive effect on the level of emergency preparedness within the City of South Portland. Funds have been used to strengthen response capabilities, strengthen planning capabilities, increase public awareness of the need to be vigilant, and has helped improve relationships with our federal, state and local neighbors and partners in the emergency preparedness community.

Jeffrey M. Temple  
Director of Emergency Management  
November 17, 2005

## **Attachments**

- 1 Letter from Governor John Baldacci



STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE  
04333

JOHN ELIAS BALDACCI  
GOVERNOR

November 29, 2004

James Hughes, Mayor  
City of South Portland  
25 Cottage Road  
South Portland, ME 04106

Dear Mr. Hughes:

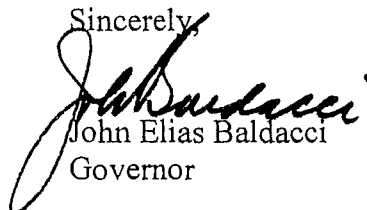
I am writing to commend the South Portland City Council, the City Manager and his staff for their work in Homeland Security.

The City of South Portland has shown outstanding commitment, leadership and creativity. The city's commitment is evident in its support of the South Portland Decontamination Strike Team, one of Maine's largest, best equipped and trained hazardous materials response teams. South Portland has shown a willingness to cooperate with neighboring communities and work with its State and Federal partners. The benefits of this collaborative spirit were plainly evident in early 2004 as public safety agencies came together to manage a bomb threat to the Casco Bay Bridge separating Portland and South Portland.

The city's commitment is also evident in its development of an emergency response plan, improvements in its communications systems, expanded training of first responders, the establishment of an Emergency Operations Center, and the creation of an Emergency Management Director position.

For all of these reasons it is my pleasure to extend my appreciation and my commendation to the City of South Portland for its Homeland Security efforts. Your commitment and leadership will benefit not only your citizens but the entire state. On behalf of the people of Maine, thank you.

Sincerely,

  
John Elias Baldacci  
Governor



TESTIMONY  
Of Robert C. Bohlmann  
Director of Emergency Management  
York County  
Before the  
Task Force to study Maine's Homeland Security Needs  
October 17, 2005

Senator Strimling, Rep. Gerzofsky, members of the Task Force to study Maine's Homeland Security Needs.

My name is Robert C. Bohlmann, and I have been the Director of Emergency Management for York County since late 1994. Prior to that I served a local volunteer director for nearly 40 years in three states. In addition I serve as the Chairman of the Emergency Management/Homeland Security sub committee of the Justice and Public Safety Committee for the National Association of Counties.

I am very proud to be the director of a professional staff both career and volunteer who serve York County. This team provides a high level of service to all the citizens of York County. Emergency Management is a profession that is overlooked by many in government.

It should be noted that emergency management is made up of four major phases, Preparedness, Response, Recovery and Mitigation. The process requires analysis, planning, assignment of resources to combat an incident it is an all encompassing process to protect life and property. The program in Maine and Nationwide needs to be an all hazard approach that covers flooding, hurricanes, ice storms and an event involving a weapon of mass destruction or homeland security. Homeland Security should not be a stand alone program. This has been made clear to all of us in the recent weeks, with Katrina, Rita and the local flooding along with the subway alert in

New York. The all hazard approach will make for effective allocation of resources and planning efforts.

York County has worked very closely with Maine Emergency Management and the other County Directors to build a strong all hazard approach to local events. Our County has done the assessments for WMD events and for natural hazards. The funding that has been provided during the past several years thru the grant process has been wisely spent to enhance the capabilities for all hazards planning, training and response. The statewide homeland security goals developed in 2002 provide a baseline from which all Counties and local governments can work from. It clearly sets the stage for planning and for equipment needs. The local hazards identification provides the same link for natural hazards, these two documents provide a clear path for planning, training, exercising and responding to any incident.

The County provides support to the twenty nine local EMA directors, one for each community in York County; they are appointed by the elected officials from each community and serve as the key emergency management official locally. Most of these dedicated individuals are volunteer's or an additional duty is assigned to the fire chief or police chief. Funding at the local level for staff is nearly non existent. The job is done very well by individuals who take the task very seriously? I am proud to be able to work with these individuals who take the necessary training and devote the time to protect the citizens in their community. As we look to the future funding consideration should be given to bringing back a program that was used from the 1950's to the 1980's at which time it was determined the cold war threat no longer existed This program provided funding to the State Office for some key positions at 100 % and extended to Counties for 50/50 matching funds for programs and EOC enhancements. Local communities could submit program applications 50/50 matching funds for specific programs that built local capability.

This program allowed for staffing at all levels and allowed the State to provide the technical support needed to Counties and local communities. This funding was cut drastically to the point that all funding available today under the Emergency Management Performance Grants is 50/50 funds to State and County level. Local EMPG funding is not available due to funding levels. It should be noted that the only Department of Homeland Security grant that can be used for staffing is the EMPG. Staffing is a critical component of any program especially, one that has four phases. Equipment is needed to insure safe response for first responders. However the planning, organizing and deployment of the equipment requires staffing. Many of our Counties in Maine are staffed by one individual with part time clerical assistance; this is a limiting factor in overall program capability. Emergency Management is the one agency in Government that can coordinate all participants, governmental and non governmental components.

The Homeland Security component has been enhanced over the past several years; the threat as presented has greatly increased the level of concern for preparing and equipping responders to act. However I am convinced that the threat from natural hazards is very real in Maine. This has been the approach of General Libby and Mr. Cleaves, they have guided the issuance of Millions of dollars of vital equipment in Maine that has provide a much stronger response capability on a regional basis. Funding has been disbursed effectively thru the Counties as well as the dedicated funds to larger communities, this has worked well. In 2005 this process was changed due to a significant decrease in available funds. The competitive grant process used in 2005 made the most sense for all concerned. It put every community on a level playing field and made it possible for a stronger regional approach to be taken to strengthen the nine homeland security goals. It is efficient and cost effective for large and small communities. Target hazards were considered and funded accordingly as well they should be.

Is Maine prepared? I have to answer yes to this; we are prepared to a level equal to the hazards affecting our communities. We could enhance our level of preparedness by providing additional staff support at State, County and Local level, this would allow for enhanced programs at all levels. Homeland Security funding needs to continue to insure we maintain the level of preparedness established by the nine goals. Citizen self preparedness is an area that we all need to concentrate on, Citizens have to take ~~A~~ responsibility for themselves and there families. Government cannot be expected to provide immediate complete protection from every event, each of us has a preparedness responsibility.

If Maine was to have an event in the near future the response will be organized, effective and resources will be available. Continued funding for regional based equipment is key to the extend congress provides funds. Even more key is the continued funding for State, County and hopefully in the future local to support the operation of an effective staff to manage the day to day operations, preparedness and response to incident. Maine citizens are very fortunate to have leaders like General Libby, Mr. Cleaves and my brother and sister county EMA Directors. This team coupled with the local EMA Directors and the numerous first responders and partners form a team working together in the true Maine spirit to protect against the all hazard threats confronting us...

Our ability to work together in time of need will allow Maine to respond to events effectively, No one agency can do it alone, that is a known and accepted fact. Cooperation and coordination thrive in Maine and partnerships allow for the sharing of many available resources. We need to foster this process and insure adequate funding is provided to grow the process. Thank you for allowing me to come before you today. I will be happy to answer any questions.

**TESTIMONY**  
**of Vernon R. Ouellette**  
**Director**  
**Aroostook County Emergency Management**  
**before the**  
**Task Force to Study Maine's Homeland Security Needs**  
**October 17, 2005**

**Senator Strimling, Rep. Gerzofsky, members of the Task Force to Study Maine's Homeland Security Needs**

**My name is Vernon Ouellette. I am the Director of Aroostook County's Emergency Management Agency.**

**Professional Background: 20 Plus years with local volunteer fire service through the ranks to Fire Chief, Fire Marshal for Aroostook County, Associates in Business Administration, Hazardous Materials Technician to the Weapons of Mass Destruction (WMD) Level, Incident Command WMD Level, Aroostook County part time Deputy, State of Maine Certified Emergency Manager. Have been serving in my current capacity for the past seven years. These are just a few of the skills I bring to the position of Director of Aroostook County's Emergency Management Agency.**

**Challenges delivering services to Aroostook County: Aroostook County's Geographical area continues to be one of the greatest challenges in delivering service to the region. Even with the agency being centrally located, most of our meetings, exercises, planning sessions, and community visits will usually generate a 50 mile trip, and many times as much as 200 miles. Time and money to accomplish those specific missions continues to be a major focus during budget times. Another challenge for our region is the sheer number of communities within the County we have to serve. Many of my counterparts throughout the state have a much smaller number of communities with less travel involved. Having mentioned both the above, staffing then becomes the key focus to achieving our goals and the goals set for us by our State Agency as well as the many services our local jurisdictions demand of us. Times have changed and the challenge for County Agencies is to provide the required service demanded of us with no increase in staffing as well as financial backing. Fortunately, we have been able to leverage Homeland Security Funding to achieve the demands which fall within the parameters of the needs assessments and funding restrictions.**

**Accomplishments: As mentioned, much has been accomplished, following are but a few of the objectives our agencies must tend to on a regular basis.**

**A great deal of our time is spent updating and maintaining a variety of plans which include but not limited to the following:**

- 1. County all hazard plans which include the following annexes:**
  - A. Alert & Warning**
  - B. Direction & Control**
  - C. Emergency Services**

- **D. Emergency Information & Education**
- **E. Evacuation**
- **F. Shelters**
- **G. Resource Management**
- **H. Radiological Protection**
- **I. Damage Assessment**
- **J. Disaster Assistance**
- **K. Mitigation**
- **L. Weapons of Mass Destruction**
- 2. Department of Health & Human Services response plan**
- 3. Dam Safety Plans**
- 4. Book of Lists, listings of all resources with the county, community level contacts for all response agencies as well as public officials.**
- 5. Hospital emergency response plans.**
- 6. County based Hazard Mitigation plan.**
- 7. Hazardous Materials Response Plan / Incorporated this year with the County's All Hazard Plan.**
- 8. County Hazard Analysis / Documents all facilities with the county that maintain Extremely Hazardous Chemicals.**

**Incorporated within the components of all our planning efforts are two major work areas: Training and exercising the above listed plans. Taking into consideration the varying County populations as well as geographic areas this portion of the office work load consumes a great deal of time.**

**Assisting with training and exercise programs for all response agencies within counties will put to test any emergency management agency. With limited staff at most of the agencies many of the training needs must be placed on hold. Relying on grants to accomplish many of these tasks is unfortunately unreliable and inconsistent. Reliable staffing needs to be placed on a priority to assure sound and consistent staff to meet the much needed help with all planning and training efforts.**

#### **ACCOMPLISHMENTS IN THE HOMELAND SECURITY ARENA:**

- **Development of Aroostook County's Regional Response Team.**
- **Development of two Decon Strike Teams, Presque Isle and Houlton.**
- **Final stages of development of Aroostook County's Incident Management Response Team.**
- **Upgrades to communications;**
- **Continue to support training needs relative to support of all response agencies as well as fully support activities related to grant submissions.**
- **Operation Stone Garden: Superb opportunity to develop communication links between Federal State and Local Law Enforcement Agencies.**

## **MY OWN THOUGHTS RELATING TO PREPAREDNESS:**

- **First and for most as identified by my counterparts throughout the state we have all been extremely busy attempting to meet the needs of our county as well as communities. Staffing seems to be the most important component that must be addressed. Time and resources is lacking in most of our areas. Most communities have little to no funding which simply means they turn to our agencies for help.**
- **We have accomplished a great deal with the resources available. I firmly believe we have a good level of response capability but more work is needed to assure we can meet all needs, not only in planning and training but also having on hand available resources in the form of caches of supplies, pre positioned within certain regions.**
- **An area that requires a great deal of time and effort is the out reach to the local EMA director. Understanding they have no funds and are basically by name only in the majority of the county, we at the county level often times have to assume their responsibility. When you consider the geographic area of Aroostook County combined with the number of communities, assisting with planning and response becomes a major challenge not to mention resource dependent. Many of those required resources at times are allocated to assuring the County's needs are met first and then the limited time is diverted to the local arena.**
- **Having said all the above I sincerely believe the staff in Aroostook County has met the challenge and we continue to adjust our priorities with the many duties being asked of us. Outreach and education must have a greater focus if we are to obtain consistent funding combined with full cooperation from all our communities.**

**Attached I have included some of the thoughts other Directors such as I have concerning our readiness.**

**Thank you for this opportunity to testify before you. I would be happy to answer any questions you may have.**

## STATEMENTS SUBMITTED BY COUNTY DIRECTORS

### QUOTES:

(Sagadahoc) All Hazard Preparedness: It is difficult to fully engage volunteers that are very much part time EMA Directors in their towns. They are unable or not interested in the training necessary to perform all of the necessary chores, and often they do not get support from their municipal leadership. The responsibility then falls upon the County Directors, who have varying degrees of staffing, to get the jobs done for all of the Towns. The fire departments, again many of whom are volunteer staffs, may not always train or participate in exercises that prepare them to respond to "all hazard events." In most areas, there is no effective way to rapidly communicate with residents to pass important information

HS Preparedness: I feel that we still have a ways to go on protecting critical infrastructure and disbursing intelligence information. In my region, first responders are adequately equipped and communications are fully interoperable, but we need to have a more robust system for processing and distributing real-time intelligence data. I am not comfortable that our infrastructure is getting the attention that it needs. Food supply chains, transportation systems and public health issues are highest among my concerns. We have done lots of good, there is more to do.

My thought is that other than staffing which you're already familiar with, actual storage and deployment of equipment would be at the top of my list. It's great that all these grants get handed out, but what we truly need is manpower, and then a cache of equipment for rapid deployment. But we are only as good as our best made plans, and the ability to deploy them. With limited staffing, and I don't have to tell you, our capabilities are limited. I know they say volunteers are a great way to supplement your force, however they are an unsure quantity and quality, in the event of a large scale event, as well as the fact the volunteer fire service has been dwindling for years. If people aren't willing to come and volunteer for their own local communities, will they come for the county level operations?

My only concern is that if someone was to start peeling the EMA onion back they might not like what they find in the plans department at least in my county. I am aware of the problem... and have a plan to fix it yet... as you know we are one deep... that is the only issue I would like to see brought up. We do not have the resources to do all the great things that are out there, school visits, visit each town emergency management agency once a year, safety presentations, 35 hours a week just isn't enough time.

I am a retired army officer now holding down the Oxford County EMA Director position. I have always thought we should train as we are going to fight & we should fund first responders within a region based on how they will respond to an incident large or small. I have been through all the briefings at MEMA and seen how the 2005 homeland security grant process is working. I can tell you that we are funding based on how we are going to fight (respond). I will use the decon strike team in Norway as an example, their grant when it gets to MEMA will receive a higher level of importance than the Hebron Fire Chief grant within Oxford county & additionally since this decon team has signed mutual support agreements with Franklin and Androscoggin through MEMA they will receive an even higher level of importance at the MEMA



level as they grant team meets. We do not fight (respond) as individual fire departments in Oxford County generally because we are a volunteer county. We fight (respond) as a tri county region for all large incidents or disaster & look at the recent Somerset Exercise & 3 counties and the state had to come together to handle that incident. Prioritization is the key & the keeper is MEMA and should remain MEMA as long as they stay focused on the 9 principles which tie all of the counties together. I am more interested in how the task force can get back the 7,000,000 that congress took back. If we want to be prepared in the future we will need the appropriate funding from Homeland Security.

My position is that we never can say unequivocally that we are good to go and totally prepared to deal with every hazard that may come our way, however we certainly, at least in Hancock County, are much better prepared than we were 5 years ago. I attribute that to the Homeland Security Initiative. We have exercised great care to make certain that equipment purchased and training acquired, through H.S. grants, could be utilized to deal, not only with a terrorist incident, but any disaster that we could be confronted with. Unlike many Emergency Management Directors throughout the County, it is my view that melding the many agencies into The Department of Homeland Security is a positive move. It has required all disciplines and first responders to train together, work together, and communicate with each other. We now have equipment and training that we lacked in the past, however where we fall short is with Emergency Management staffing. First responder agencies, such as law enforcement and the fire service, have been around for many years and have grown as needed, whereas Emergency Management is a relatively new discipline that is not widely recognized and under funded. Recent events in this Country have demonstrated the importance of Emergency Management Agencies acting as umbrella agencies to orchestrate and facilitate a response to an emergency or disaster, where more than one discipline from different levels of government is required. The bottom line is we need more staffing to carry out our mandated mission.

## **APPENDIX D**

**Presidential Directive 8 “*National Preparedness*” (HSPD-8)**



For Immediate Release  
Office of the Press Secretary  
December 17, 2003

## December 17, 2003 Homeland Security Presidential Directive/Hspd-8

Subject: National Preparedness

### Purpose

(1) This directive establishes policies to strengthen the preparedness of the United States to prevent and respond to threatened or actual domestic terrorist attacks, major disasters, and other emergencies by requiring a national domestic all-hazards preparedness goal, establishing mechanisms for improved delivery of Federal preparedness assistance to State and local governments, and outlining actions to strengthen preparedness capabilities of Federal, State, and local entities.

### Definitions

(2) For the purposes of this directive:

(a) The term "all-hazards preparedness" refers to preparedness for

domestic terrorist attacks, major disasters, and other

emergencies.

(b) The term "Federal departments and agencies" means those

executive departments enumerated in 5 U.S.C. 101, and the

Department of Homeland Security; independent establishments as

defined by 5 U.S.C. 104(1); Government corporations as defined

by 5 U.S.C. 103(1); and the United States Postal Service.

(c) The term "Federal preparedness assistance" means Federal

department and agency grants, cooperative agreements, loans,

loan guarantees, training, and/or technical assistance provided

to State and local governments and the private sector to

prevent, prepare for, respond to, and recover from terrorist

attacks, major disasters, and other emergencies. Unless noted

otherwise, the term "assistance" will refer to Federal

assistance programs.

(d) The term "first responder" refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations.

(e) The terms "major disaster" and "emergency" have the meanings given in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(f) The term "major events" refers to domestic terrorist attacks, major disasters, and other emergencies.

(g) The term "national homeland security preparedness-related exercises" refers to homeland security-related exercises that train and test national decision makers and utilize resources of multiple Federal departments and agencies. Such exercises may involve State and local first responders when appropriate. Such exercises do not include those exercises conducted solely within a single Federal department or agency.

(h) The term "preparedness" refers to the existence of plans, procedures, policies, training, and equipment necessary at the Federal, State, and local level to maximize the ability to prevent, respond to, and recover from major events. The term "readiness" is used interchangeably with preparedness.

(i) The term "prevention" refers to activities undertaken by the first responder community during the early stages of an incident to reduce the likelihood or consequences of threatened or actual terrorist attacks. More general and broader efforts to deter, disrupt, or thwart terrorism are not addressed in this directive.

(j) The term "Secretary" means the Secretary of Homeland Security.

(k) The terms "State," and "local government," when used in a geographical sense, have the same meanings given to those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

#### Relationship to HSPD-5

(3) This directive is a companion to HSPD-5, which identifies steps for improved coordination in response to incidents. This directive describes the way Federal departments and agencies will prepare for such a response, including prevention activities during the early stages of a terrorism incident.

#### Development of a National Preparedness Goal

(4) The Secretary is the principal Federal official for coordinating the implementation of all-hazards preparedness in the United States. In cooperation with other Federal departments and agencies, the Secretary coordinates the preparedness of Federal response assets, and the support for, and assessment of, the preparedness of State and local first responders.

(5) To help ensure the preparedness of the Nation to prevent, respond to, and recover from threatened and actual domestic terrorist attacks, major disasters, and other emergencies, the Secretary, in coordination with the heads of other appropriate Federal departments and agencies and in consultation with State and local governments, shall develop a national domestic all-hazards preparedness goal. Federal departments and agencies will work to achieve this goal by:

(a) providing for effective, efficient, and timely delivery of

Federal preparedness assistance to State and local governments;

and

(b) supporting efforts to ensure first responders are prepared to

respond to major events, especially prevention of and response to threatened terrorist attacks.

(6) The national preparedness goal will establish measurable readiness priorities and targets that appropriately balance the potential threat and magnitude of terrorist attacks, major disasters, and other emergencies with the

resources required to prevent, respond to, and recover from them. It will also include readiness metrics and elements that support the national preparedness goal including standards for preparedness assessments and strategies, and a system for assessing the Nation's overall preparedness to respond to major events, especially those involving acts of terrorism.

(7) The Secretary will submit the national preparedness goal to me through the Homeland Security Council (HSC) for review and approval prior to, or concurrently with, the Department of Homeland Security's Fiscal Year 2006 budget submission to the Office of Management and Budget.

#### Federal Preparedness Assistance

(8) The Secretary, in coordination with the Attorney General, the Secretary of Health and Human Services (HHS), and the heads of other Federal departments and agencies that provide assistance for first responder preparedness, will establish a single point of access to Federal preparedness assistance program information within 60 days of the issuance of this directive. The Secretary will submit to me through the HSC recommendations of specific Federal department and agency programs to be part of the coordinated approach. All Federal departments and agencies will cooperate with this effort. Agencies will continue to issue financial assistance awards consistent with applicable laws and regulations and will ensure that program announcements, solicitations, application instructions, and other guidance documents are consistent with other Federal preparedness programs to the extent possible. Full implementation of a closely coordinated interagency grant process will be completed by September 30, 2005.

(9) To the extent permitted by law, the primary mechanism for delivery of Federal preparedness assistance will be awards to the States. Awards will be delivered in a form that allows the recipients to apply the assistance to the highest priority preparedness requirements at the appropriate level of government. To the extent permitted by law, Federal preparedness assistance will be predicated on adoption of Statewide comprehensive all-hazards preparedness strategies. The strategies should be consistent with the national preparedness goal, should assess the most effective ways to enhance preparedness, should address areas facing higher risk, especially to terrorism, and should also address local government concerns and Citizen Corps efforts. The Secretary, in coordination with the heads of other appropriate Federal departments and agencies, will review and approve strategies submitted by the States. To the extent permitted by law, adoption of approved Statewide strategies will be a requirement for receiving Federal preparedness assistance at all levels of government by September 30, 2005.

(10) In making allocations of Federal preparedness assistance to the States, the Secretary, the Attorney General, the Secretary of HHS, the Secretary of Transportation, the Secretary of Energy, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies that provide assistance for first responder preparedness will base those allocations on assessments of population concentrations, critical infrastructures, and other significant risk factors, particularly terrorism threats, to the extent permitted by law.

(11) Federal preparedness assistance will support State and local entities' efforts including planning, training, exercises, interoperability, and equipment acquisition for major events as well as capacity building for prevention activities such as information gathering, detection, deterrence, and collaboration related to terrorist attacks. Such assistance is not primarily intended to support existing capacity to address normal local first responder operations, but to build capacity to address major events, especially terrorism.

(12) The Attorney General, the Secretary of HHS, the Secretary of Transportation, the Secretary of Energy, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies that provide assistance for first responder preparedness shall coordinate with the Secretary to ensure that such assistance supports and is consistent with the national preparedness goal.

(13) Federal departments and agencies will develop appropriate mechanisms to ensure rapid obligation and disbursement of funds from their programs to the States, from States to the local community level, and from local entities to the end users to derive maximum benefit from the assistance provided. Federal departments and agencies will report annually to the Secretary on the obligation, expenditure status, and the use of funds associated with Federal preparedness assistance programs.

## Equipment

(14) The Secretary, in coordination with State and local officials, first responder organizations, the private sector and other Federal civilian departments and agencies, shall establish and implement streamlined procedures for the ongoing development and adoption of appropriate first responder equipment standards that support nationwide interoperability and other capabilities consistent with the national preparedness goal, including the safety and health of first responders.

(15) To the extent permitted by law, equipment purchased through Federal preparedness assistance for first responders shall conform to equipment standards in place at time of purchase. Other Federal departments and agencies that support the purchase of first responder equipment will coordinate their programs with the Department of Homeland Security and conform to the same standards.

(16) The Secretary, in coordination with other appropriate Federal departments and agencies and in consultation with State and local governments, will develop plans to identify and address national first responder equipment research and development needs based upon assessments of current and future threats. Other Federal departments and agencies that support preparedness research and development activities shall coordinate their efforts with the Department of Homeland Security and ensure they support the national preparedness goal.

## Training and Exercises

(17) The Secretary, in coordination with the Secretary of HHS, the Attorney General, and other appropriate Federal departments and agencies and in consultation with State and local governments, shall establish and maintain a comprehensive training program to meet the national preparedness goal. The program will identify standards and maximize the effectiveness of existing Federal programs and financial assistance and include training for the Nation's first responders, officials, and others with major event preparedness, prevention, response, and recovery roles. Federal departments and agencies shall include private organizations in the accreditation and delivery of preparedness training as appropriate and to the extent permitted by law.

(18) The Secretary, in coordination with other appropriate Federal departments and agencies, shall establish a national program and a multi-year planning system to conduct homeland security preparedness-related exercises that reinforces identified training standards, provides for evaluation of readiness, and supports the national preparedness goal. The establishment and maintenance of the program will be conducted in maximum collaboration with State and local governments and appropriate private sector entities. All Federal departments and agencies that conduct national homeland security preparedness-related exercises shall participate in a collaborative, interagency process to designate such exercises on a consensus basis and create a master exercise calendar. The Secretary will ensure that exercises included in the calendar support the national preparedness goal. At the time of designation, Federal departments and agencies will identify their level of participation in national homeland security preparedness-related exercises. The Secretary will develop a multi-year national homeland security preparedness-related exercise plan and submit the plan to me through the HSC for review and approval.

(19) The Secretary shall develop and maintain a system to collect, analyze, and disseminate lessons learned, best practices, and information from exercises, training events, research, and other sources, including actual incidents, and establish procedures to improve national preparedness to prevent, respond to, and recover from major events. The Secretary, in coordination with other Federal departments and agencies and State and local governments, will identify relevant classes of homeland-security related information and appropriate means of transmission for the information to be included in the system. Federal departments and agencies are directed, and State and local governments are requested, to provide this information to the Secretary to the extent permitted by law.

## Federal Department and Agency Preparedness

(20) The head of each Federal department or agency shall undertake actions to support the national preparedness goal, including adoption of quantifiable performance measurements in the areas of training, planning, equipment, and exercises for Federal incident management and asset preparedness, to the extent permitted by law. Specialized Federal assets such as teams, stockpiles, and caches shall be maintained at levels consistent with the national preparedness goal and be available for response activities as set forth in the National

Response Plan, other appropriate operational documents, and applicable authorities or guidance. Relevant Federal regulatory requirements should be consistent with the national preparedness goal. Nothing in this directive shall limit the authority of the Secretary of Defense with regard to the command and control, training, planning, equipment, exercises, or employment of Department of Defense forces, or the allocation of Department of Defense resources.

(21) The Secretary, in coordination with other appropriate Federal civilian departments and agencies, shall develop and maintain a Federal response capability inventory that includes the performance parameters of the capability, the timeframe within which the capability can be brought to bear on an incident, and the readiness of such capability to respond to domestic incidents. The Department of Defense will provide to the Secretary information describing the organizations and functions within the Department of Defense that may be utilized to provide support to civil authorities during a domestic crisis.

#### Citizen Participation

(22) The Secretary shall work with other appropriate Federal departments and agencies as well as State and local governments and the private sector to encourage active citizen participation and involvement in preparedness efforts. The Secretary shall periodically review and identify the best community practices for integrating private citizen capabilities into local preparedness efforts.

#### Public Communication

(23) The Secretary, in consultation with other Federal departments and agencies, State and local governments, and non-governmental organizations, shall develop a comprehensive plan to provide accurate and timely preparedness information to public citizens, first responders, units of government, the private sector, and other interested parties and mechanisms for coordination at all levels of government.

#### Assessment and Evaluation

(24) The Secretary shall provide to me through the Assistant to the President for Homeland Security an annual status report of the Nation's level of preparedness, including State capabilities, the readiness of Federal civil response assets, the utilization of mutual aid, and an assessment of how the Federal first responder preparedness assistance programs support the national preparedness goal. The first report will be provided within 1 year of establishment of the national preparedness goal.

(25) Nothing in this directive alters, or impedes the ability to carry out, the authorities of the Federal departments and agencies to perform their responsibilities under law and consistent with applicable legal authorities and presidential guidance.

(26) Actions pertaining to the funding and administration of financial assistance and all other activities, efforts, and policies in this directive shall be executed in accordance with law. To the extent permitted by law, these policies will be established and carried out in consultation with State and local governments.

(27) This directive is intended only to improve the internal management of the executive branch of the Federal Government, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

GEORGE W. BUSH

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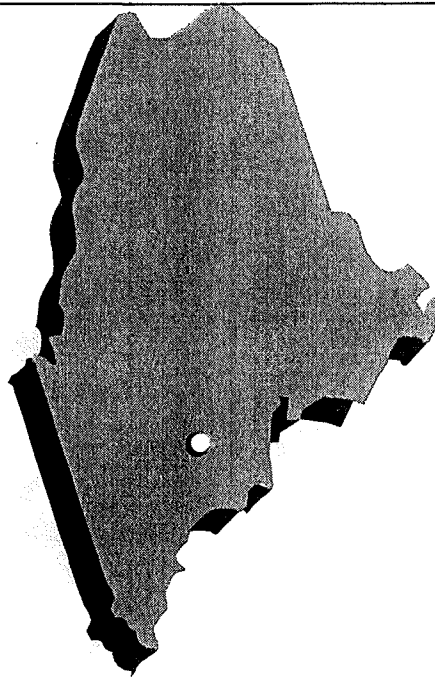
<http://www.whitehouse.gov/news/releases/2003/12/20031217-6.html>



## **APPENDIX E**

**Draft, State of Maine Concept of Operations for Incident Communications Interoperability**

**STATE OF MAINE**  
**CONCEPT OF OPERATIONS**  
**FOR**  
**INCIDENT COMMUNICATIONS INTEROPERABILITY**



DRAFT Plan submitted by State Office of Information Technology and Maine Emergency Management Agency

VERSION 1.0 December 28, 2005

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## INTRODUCTION

Two-way radio voice communications are critical to the effective management of first responders and the coordination of their duties as well as their safety during emergency operations. Radio communication enables the immediate and critical command and control function in all public safety operations, but especially during emergency and disaster operations which require multi-agency (police, fire and EMS) within a community, mutual aid response and outside agency support from local, county, state and federal agencies. Communications planning is an important part of incident response planning. In order for effective communications to exist, interoperability between agencies must exist. Simply, agencies must be able to communicate by radio with one another in an effective and efficient manner.

According to Public Safety Wireless Network (PSWN), a jointly sponsored initiative, by the Department of Justice and Treasury and now part of SAFECOM, the purpose of interoperability is so that *"no man, woman or child ever loses his or her life because public safety officials cannot talk to one another"*. PSWN states that *"interoperability is the ability for on demand and real time radio communications between public safety personnel and personnel from other agencies"*. Simply, interoperability is the ability of public safety officials to communicate with each other across different radio systems when the need arises.

Public safety agencies in Maine must establish interoperability capabilities and protocols that will allow them to meet the increased demands for interoperability within local jurisdictions, with mutual aid partners, state, federal and non-traditional public safety agencies when the need arises.

Good interoperability will enhance public safety operations day-to-day as well as during mutual aid, major events, emergencies and disasters. Partnering with all of our communities in this effort will lead to a more coordinated and effective capability to meet the public safety needs throughout the State of Maine.

## SECTION 1 – GENERAL

**1.1. PURPOSE.** This Concept of Operations (CONOPS) provides guidance to public safety agencies for developing and employing interoperability through an effective Incident Communications program.

This CONOPS will focus on incident communications requirements, the role of interoperability and guidance for how to implement a statewide interoperable radio system. A communications partnership must exist between all public safety agencies in the state. It must also include state, federal and other agencies such as the hospitals, US Coast Guard, National Guard, public works, utilities and other support agencies that would be engaged in supporting response and recovery efforts for a major event, emergency or disaster in Maine. It is essential that these partnerships are established and maintained by all of the agencies within the State in order for interoperability to exist. There must be cooperation and support among all players to ensure capabilities enhance operations.

### 1.2. BACKGROUND.

**1.2.1.** In the early 1970's Maine converted to a statewide VHF High band radio system for Law Enforcement agencies. At the same time, most Fire and Emergency Medical Services also converted. This new system provided one common state wide Fire & EMS and one law enforcement interoperability channel. The "State Fire" channel was developed for use between agencies to request mutual aid and provide interoperability at the scene. The law enforcement interoperability channel, called "State Wide Car to Car" (SWCC), was developed for use between various law enforcement agencies when working together in the field. Originally, the only dispatch centers authorized to operate on SWCC were the Regional Communications Centers (RCCs). Today, many agencies have it in their dispatch centers, ambulances, rescues and fire apparatus in addition to law enforcement agencies. Both channels are under utilized at times and used for purposes that they shouldn't be at other times. No published guidelines exist and no real control is in place. The effectiveness of these two channels is limited.

While limited day-to-day interoperability between agencies can be met using these two common channels, two channels will not support communications requirements for mutual aid, major events and emergencies involving multiple agencies and jurisdictions. Some agencies use each other's primary dispatch channels for interoperability. This is a poor solution to interoperability for a variety of reasons, which includes but is not limited to tying up the agency's primary dispatch channel for incident communications and interoperability is limited to the immediate area which doesn't solve county wide issues.

1.2.2. Only 1 additional channel now exists for statewide interoperability. It is the EMS disaster channel. Some agencies throughout the state may have licensed other talk-around channels for their local use.

1.2.3. Typically, Maine communities don't use "talk-around" channels for on scene/incident communications, rather they use their dispatch channel. This is not an effective and efficient way to manage incident communications and causes additional stress and confusion for the dispatch center, which has to monitor all the incident communications as well as handle the ongoing public safety operations. Trying to dispatch and answer calls in between incident communications activities is very difficult, stressful and could result in interruption to essential public safety communications.

### 1.3. DEFINITIONS

1.3.1. Interoperability: *"interoperability is the ability for on demand and real time radio communications between public safety personnel and personnel from other agencies"*. Simply put, interoperability is the ability of public safety officials (Law Enforcement, Fire & EMS) to communicate with each other using one or more statewide common talk-around channels. This also includes the capability to communicate with "non-traditional" public safety agencies. These agencies include but are not limited to: Public Works, Maine Department of Transportation, USCG, FBI, EPA, National Guard, Hospitals, REMIS (Regional Emergency Medical Information System), Poison Control, Transportation, Utilities such as the Water District, Gas Company, Central Maine Power, Telecommunications companies such as Verizon and AT & T and other agencies or organizations that would be involved in the extended response efforts when a major emergency or disaster strikes.

1.3.2. Talk-around channels: Simplex, single frequency channels permitting direct point to point communications between two or more radios without the aid of repeaters or remote transmitter/receiver systems.

1.3.3. There are 3 types of interoperability.

1.3.3.1. Day to Day: Involves communications and coordination for routine or local public safety operations. This could be single agency or multiple agency single jurisdiction response such as Police, Fire and EMS in the same community.

1.3.3.2. Mutual Aid: Involves multi-jurisdictional (out of town) and immediate response to events and incidents (major or catastrophic) and requires communications between numerous public safety agencies and personnel from throughout a region.

1.3.3.3. Task Force: Involves local, state, and federal agencies operating together for an extended period of time to address a public safety incident (major or catastrophic). This may also include non-traditional agencies engaged in response and recovery efforts such as the local public works and State Dept of Transportation, the utilities, transportation and others that become critical partners to the public safety agencies during a major event and incidents.

1.3.4. During major events, emergencies and disasters, traditional public safety agencies are not equipped or staffed to handle all the requirements in such an event. Local, state and federal as well as other assets in the public sector quickly become an extension of the public safety community when engaged in the response and recovery stages of these types of events. They too need to be able to communicate with public safety officials at the scene of an incident or event.

1.3.4.1. Traditional Public Safety Agencies include Law Enforcement (Local, County and State), Fire and Emergency Medical Services and various other functions of the Maine Department of Public Safety.

1.3.4.2. Non-traditional public safety agencies are those agencies that do not have a traditional public safety role day to day. These agencies are not necessarily considered part of the public safety community except during a major event, emergency or disaster, at which time they would work under the umbrella of public safety. These agencies include but are not limited to: Public Works, State Dept. of Transportation, USCG, FBI, EPA, National Guard, Hospitals, REMIS (Regional Emergency Medical Information System), Poison Control, Transportation, Utilities such as the Water District, Gas Company, Central Maine Power, Telecommunications companies such as Verizon and AT & T and other agencies or organizations that might be involved included the extended response efforts when a major emergency or disaster strikes.

1.4. ASSUMPTIONS. The Office of Information Technology, in coordination with the Department of Public Safety and the Maine Emergency Management Agency, will license at least 6 statewide talk-around channels for interoperability use. All public safety agencies in the state will agree to support this Concept of Operation (CONOPS). [three new channels in addition to State Fire/SWCC and EMS disaster channel.

1.4.1. All Police, Fire and EMS VHF portable and mobile radios will be programmed with the common interoperability channels identified in this CONOPS, thereby establishing a standard throughout the county.

1.4.1.1. Federal, State and local non-traditional public safety agencies will be provided with the channel/frequency assignments (ICS Form 205 or equivalent) for use when responding to events and incidents within the state.

1.4.1.2. Incident Commanders will familiarize themselves with this concept of operations and ensure that proper use of these channels is accomplished to ensure that interoperability exists. Channels licensed by the State of Maine or statewide agencies (Me Fire Chief's Assoc, Maine EMS, etc) will be utilized for those specific purposes. The final assignment of channels, not specifically designated by the licensee, and their purpose lies with the incident commander or designated representative.

1.4.1.3. The Incident Commander or designated representative, which may be the dispatcher, will assign talk-around channels as needed and based upon the nature of the event or incident.

1.4.2. Fire and EMS agencies will adopt the use of talk-around channels on incidents when two or more units respond to an incident.

1.4.2.1. Law enforcement responses don't generally benefit from use of talk around channels and require closer coordination with dispatch by each responding unit even when multiple units are involved. However, law enforcement radios will also be equipped with talk-around channels that may be used when the situation warrants such as tactical and task force operations.

1.4.3. All public safety agencies will establish Memorandums of Understanding (MOUs) with their neighboring communities for the purpose of confirming the implementation of this CONOPS and the use common talk-around channels.

1.4.4. Interoperability with agencies operating on frequencies outside the common VHF High Band spectrum will be resolved using available technologies. MEMA will help provide technical guidance to determine the best practical technical solutions, help with implementation of technological solutions and will provide assistance with grant applications and obtaining funds from other sources when applicable and available.

1.4.5. Non-traditional public safety agencies will have communications capabilities with first responders, the Incident Commander.

1.4.6. Use of talk-around channels will be the ultimate decision of the Incident Commander or field supervisor, but it is encouraged for all multiple unit responses in Fire/EMS operations and Law Enforcement when the situation warrants.

1.4.6.1. When multiple units are engaged in a common incident, talk-around channels should be implemented.

1.4.6.2. Law enforcement responses don't necessarily benefit from use of talk around channels and require more close monitoring of responding unit(s) activities and require direct contact with the dispatcher even when multiple units respond. The law enforcement field supervisor will direct the appropriate use of talk-around channels when the situation warrants their use.

## SECTION 2 – INTEROPERABILITY OPERATIONS

**2.1. EMPLOYMENT.** Maine's Homeland Security Interoperability working group (Objective 3) has identified the need for developing this program to provide interoperability between all traditional public safety agencies (Law Enforcement, Fire and EMS) on a regular basis and non-traditional public safety agencies (ex: USCG, FBI, National Guard, DOT, DPW, REMIS, Utilities, Hospitals, etc.) during major events, emergencies and disasters.

2.1.1. This concept of interoperability involves licensing, implementation and use of statewide common talk-around channels for all on-scene and incident related communications. Regardless of whether it is a single agency, multiple agency single jurisdiction, mutual aid or task force response, talk-around channels should be used at the scene when more than one unit responds to an incident, freeing up the dispatch channel for ongoing operations. Some law enforcement responses may exclude use of talk-around channels.

2.1.1.1. Once units are dispatched, the Incident Commander or dispatch, should assign talk-around channel(s) to use at the scene and direct all responding units to change to the talk-around channel(s) upon arrival at the scene. Some agencies may develop local policies that would allow dispatch to assign the talk-around channel at the time the call is dispatched. The Incident Commander or designated representative should assign assignment additional talk-around channels as needed for the incident.

2.1.1.2. All Fire and EMS on-scene communications should be conducted on talk-around channel(s). (See section 1.4.6 for law enforcement operations)

2.1.1.3. The Incident Commander or designated representative will utilize the dispatch channel for requests for assistance and to keep dispatch informed on the status of the incident. All other communications should be conducted on talk-around channels leaving the dispatch channel available for normal on going operations.

**2.2. IMPLEMENTATION:** Maine Emergency Management Agency will provide listings of frequencies/ channels and guidance for their use throughout the state.

2.2.1. Partnerships already developed between public safety agencies will assist in implementing this interoperability program. Mutual aid agreements should include the interoperability implementation as part of the agreement. During the interim, MOUs (Memorandums Of Understanding) should be developed outlining the support for this CONOPS.

2.2.1.1. Once all agencies' radios have been equipped with the common talk-around channels and personnel are trained, this CONOPS will be ready for full implementation.

2.2.1.2. Fire and EMS will direct the implementation of this program and ensure that the common talk-around channels are used for incidents and events involving the deployment of more than one field unit regardless of the nature and magnitude of the incident or event. Law enforcement agencies will implement as needed.

2.2.1.3. This program will be successful only if we have 100 percent participation in the program.

## SECTION 3 – TRAINING

**3.1. GENERAL.** The overriding goal of this initiative is to provide the best possible capability to incident commanders for management of their resources while ensuring that all agencies can communicate with one another on several state wide common talk-around channels which in turn will provide interoperability between all agencies while freeing up dispatch channels for what they are intended for.

**3.2. TRAINING REQUIREMENTS:** Training all public safety personnel is critical to the success of this CONOPS. Dispatchers, first responders, incident commanders and field supervisors must be trained in this concept, and implement it on a daily basis during responses and training exercises. Regular use of talk-around channels will make this second nature to first responders.

**3.3. TRAINING SUPPORT:** Agency chiefs, incident commanders, field supervisors and communications managers must ensure that this concept is part of regular training and is included in all exercises as well as implemented in normal day to day operations. Maine Emergency Management Agency (MEMA) will help coordinate and source funds to support training requirements if training is outside the agency's normal training requirements.

#### **SECTION 4 – STATE INTEROPERABILITY EXECUTIVE COUNCIL (SIEC)**

**4.1 STATE INTEROPERABILITY EXECUTIVE COUNCIL (SIEC):** Maine will create a State Interoperability Executive Council (SIEC). The purpose of the Maine SIEC is to provide policy level direction for matters related to planning, designing and implementing guidelines, best practices, and standard approaches to address Maine's public safety communications interoperability issues.

The Council shall also recommend funding strategies that support development of a statewide system, including seeking federal funding, or other funding, for statewide interoperability.

**4.1.1. OBJECTIVES.** In an effort to improve communications interoperability in Maine, the Council shall:

**4.1.2.** Recommend strategies with regard to improving interoperable communications between agencies;

**4.1.3.** Research and evaluate the best practices for the purchasing of equipment and the sharing of communications infrastructure;

**4.1.4.** Strive to foster cooperation and improve inter-agency wireless communications among state, federal, and local jurisdictions;

**4.1.5.** Serve as a central coordination point for local, regional, and national interoperability matters; and

**4.1.6.** Develop recommendations for legislation or other state action that may be required to further promote wireless interoperability in Maine.

**4.2. SPECTRUM ADVISORY COMMITTEE (SAC):** The SIEC will appoint a Spectrum Advisory Committee to provide oversight of radio frequency assignment and management. The sole purpose of this committee will be to enhance radio communications interoperability and public safety communications through effective frequency management.

**4.2.1.** The Spectrum Advisory Committee (SAC) will plan, design and implement guidelines, best practices, and standard approaches to manage Maine's public safety radio frequencies.

#### **SECTION 5 – SUMMARY**



This CONOPS provides incident commanders, first responders and dispatchers with a much more effective and efficient way to communicate with one another during public safety operations. No longer do interoperability issues block the effective deployment and employment of first responders. Incident related communications, primarily handled on talk-around channels, leaves dispatch channels available to handle the on going activities in the communities. Command and control of first responders at the scene becomes much more effective and reliable. The ability to dedicate channels to specific functions at an incident will be possible once this CONOPS is implemented. This CONOPS will help ensure that *"no man, woman or child ever loses his or her life because public safety officials cannot talk to one another"*.

## **APPENDIX F**

**The Statewide Radio Network Board Memorandum to the Task Force**

# COMMUNICATIONS AND HOMELAND SECURITY

To: Task Force to Study Maine's Homeland Security

Date: January 23, 2006

This document represents confirmation of information presented to the Task Force on Homeland Security and response to questions and comments made at public meetings held to date. It consists of the following four components.

- Replacement of Public Safety Radio System
- Interoperability
- Satellite, Cellular and Data Technologies
- State Government support

## Replacement of the Public Safety Radio System

The Department of Public Safety must replace the aged and unserviceable radio infrastructure being used today. Originally installed in 1974, it is over 31 years old. Many of the parts to sustain the system are no longer supported by the industry. The problem is compounded by regulatory restrictions which are being enforced by the FCC and Canada regarding VHF frequencies.

To address the growing critical problem a reconstituted Statewide Radio Network Board was convened in July of 2004. The Board consists of members from using State agencies as follows:

- DAFS/Office of Information Technology, Richard B. Thompson, CIO
- Dept. of Public Safety, Commissioner Michael P. Cantara
- Maine Emergency Management Agency, Director, Art W. Cleaves
- Inland Fisheries and Wildlife, Regs Officer, Andrea Erskine
- Dept. of Transportation, Asst. Director, Mike Burns
- Dept. of Conservation, Director, Will Harris
- Dept. of Corrections, AITD, Dave Packard
- Maine State Police, Col. Craig A. Poulin
- Inland Fisheries and Wildlife, Thomas Santaguida
- Governor's Office, Senior Policy Advisory, Alan Stearns

The Board continues to meet to provide oversight on activities. A basic technology and funding approach was approved. A digital, narrow band VHF solution (with capability of wide/narrow band digital/analog capacity on a channel by channel basis) is the chosen approach for public safety communications, existing infrastructure will be shared wherever practical, and the operational needs of users, partners and the individual agencies will be recognized and accommodated.

The system will be built with redundancy (to be sure it can operate in high stress periods) and with scalability (to allow expansion to other users). It will service state agencies in the public safety role, and achieve interoperability to sister agencies across state government. It is the combination of these systems and their associated infrastructure that will be developed into a uniform communications delivery system.

The current project and the necessary investment estimated at nearly \$50 million dollars is moving forward and must continue. It provides the radio communications day after day, every day, to Maine

State Police, other law enforcement agents and others. This system must not only serve in a WMD or Natural disaster, but under the day to day needs of complex public safety support. It will be built to foster interoperability and to allow sharing of resources with local and county systems, where participation will be voluntary, not mandated.

## **Interoperability/Con-Ops**

### **Separate Issues**

Although there is a clear nexus between the State's efforts to replace it's aged wireless infrastructure and interoperability, these are two markedly different initiatives. It is without question that once complete, the new wireless voice data infrastructure will provide a more robust platform for "options & opportunities" regarding interoperability, however this is not the driving impetus behind this initiative.

The system currently supporting the State Police, MDEA, Fire Marshall's, IF & W, and the Marine Patrol, began to surpass its shelf-life expectancy in 1989. Many key components of this system are no longer supported by the industry. It is failing and must be replaced. The state has selected an approach, and technology that will keep the interoperability and opportunity issues to the forefront. It will be designed and implemented in a modular fashion in order to provide opportunities to any County or Municipality trying to address these very same issues.

### **Frequency Coordination/Availability/& Clarification**

In the realm of frequencies dedicated to, and set aside for use by Public Safety Agencies, the availability of "free" channels is virtually non-existent. There have been some discussions and/or questions regarding how many "talk-a-round"<sup>1</sup> frequencies the State of Maine currently owns. The direct answer is that no one agency in the State of Maine, or elsewhere in our country owns public safety frequencies. There are so few available, that the FCC reissues the same frequencies over and over again in order to maximize their use. This is where the licensing and propagation process maintains order. The licensing process assures that the same frequency does not get reissued in a proximity to a current user of that same frequency in order to avoid interference issues. To find 6 new frequencies to set aside for one specific purpose would be an arduous undertaking at best.

### **Solutions/Recommendations**

The State embraces the concept of "Con-Ops" with some important modifications/recommendations. The State has currently identified the following state-wide "talk-a-round" frequencies currently in use and licensed for this purpose:

- |              |         |
|--------------|---------|
| 1. SWSP      | 154.710 |
| 2. NWCC      | 155.475 |
| 3. EMS/LASER | 155.160 |
| 4. SPCC      | 154.935 |

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<sup>1</sup> The actual term for these frequencies is "direct simplex channels". The use of talk-a-round as a description is to describe the way they would be used. Talk-a-round is also an industry reference to using repeater output channel frequencies in simplex mode.

- |         |         |
|---------|---------|
| 5. SWF  | 154.310 |
| 6. SWCC | 154.695 |

Currently, the first two of these frequencies are rarely utilized, if at all. The list is comprised of “levels” to be utilized should a “Con-Ops” situation arise, and the frequencies have been listed in reverse order according to current utilization. By making these frequencies available in this fashion, we can assure that the impact to everyday operations is as minimal as possible. This is not a finite list, however it is a starting point for a committee to work with.

### **Here and Now Concept**

- Because most of these frequencies are currently being utilized to support 99.9% of what first responders in our state are asked to do day in and day out, we recommend that the use of these frequencies remain available for that role. To set aside any of these frequencies (except for maybe the first two which could be utilized during disaster drills/training) for an event, which may occur less than 1% of the time, would not be efficient use of such a valuable resource.
- When an event occurs (whether natural disaster or man made) of a pre-defined magnitude (e.g., hours of duration, number of agencies responding, potential population to be affected, etc.), the incident commander would need to make only one call to MEMA and request that the “Con-Ops level 1 through ?” be put into place.
- MEMA would request that DPS issue a statewide teletype, followed by a statewide (or regional) broadcast advising that a “Con-Ops level 1 through?” has been put into effect.

***e.g., If a level 3 request has been made, all agencies within the impacted area will stand down from any utilization of channels (SWSP, NWCC, & EMS/LASER) for the duration of that event.***

- Through previously agreed upon MOU’s, those frequencies become dedicated to that incident for its duration. If the magnitude of the event escalates, or de-escalates, the incident commander may adjust the number of channels accordingly. The notification process through MEMA would be the same for subsequent modifications to the request.
- The MOU’s must be agreed upon and endorsed by the following:
  - Maine Fire Chiefs
  - MEMA
  - Maine Chiefs of Police
  - Maine Sheriff’s
  - Department of Public Safety/State Police<sup>2</sup>

Once the protocols have been established and agreed upon, all that would remain is the subsequent publication of, and training to the first responder community.

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<sup>2</sup> This list is not meant to be all inclusive. Others such as federal (various military and governmental agency) responders, EMS, Maine Hospital Association, local public works and utilities should be considered in the development of a protocol.

## **Moving Forward**

These protocols and/or procedures shall be viewed as a living document, so that they will evolve with the availability of new technologies over time. As systems are replaced with more robust and modern solutions, the protocols must change accordingly.

We feel this proposal and/or recommendations address what the current technology and operations can support. More importantly, that this moves forward in a manner so as not to hinder our day-to-day operations.

## **Satellite, Cellular and other technologies**

State Government and other responders use a variety of other technologies to communicate under varying circumstances. Satellite communication is an option and the State has begun to explore this technology. A Statewide contract has been developed to allow use of satellite phones by key persons at all levels of government. This improves redundancy and expands command and control capability in disasters. This technology alone is not a substitute for the investment into the radio network.

Cellular technology continues to grow in capacity, coverage and affordability, but is not acceptable as a primary communication tool in a significant incident. It is another piece of a complete communications strategy. The use of this technology provides options not available easily in the public safety VHF environment, but does not work for day to day operations and it continues to be susceptible to saturation and infrastructure failure during significant events.

Microwave and data communications systems also serve vital roles. The communications systems of today and tomorrow will rely heavily on putting data (real tools like maps, pictures, written communications, etc.) in the hands of first responders. A communication strategy is being developed to foster this communication. The State investment will address microwave capacity for voice and data. Redundant connectivity will be designed to include the states wide area network, covering large areas of Maine. Redundancy and capacity in a day to day useable form is the primary goal.

## **State Government Support**

Several questions were raised regarding individual agency commitment to the State's replacement project. The Board has reviewed and supported this paper to the Task Force.

- The Board supports the investment into the replacement radio system as critical and necessary.
- It supports the cooperative use of state infrastructures for the development of the system.
- The Board supports interoperability, both across all state agencies and to appropriate responders and authorities.
- The Board supports recognition of the operational needs of individual agencies and the need to accommodate them.

- The Board supports developing a new approach to staffing and retention for radio technicians in an increasingly competitive market place.
- The Board supports the Office of Information Technology in the development of the statewide public safety radio system.

There is a statute that governs this investment today (MRSA 5 §1520, Sec. SS-4, 1A and B, – Statutory responsibilities Statewide Radio and Network System Reserve Fund). State Agencies are working together, and cooperatively. Of course, issues remain. Budgets are tight and no agency will support its fiscal resources being used to support another agency. Capital components and infrastructure built with specific fund sources must be owned by the grant recipient.

These are known to all and we have the flexibility and authority necessary to make this work.

Thank you again for the opportunity to present information and for your continued support of emergency communications systems.

Signed: \_\_\_\_\_  
Richard B. Thompson  
State C.I.O.

Signed: \_\_\_\_\_  
Michael P. Cantara  
Commissioner/Public Safety

Signed: \_\_\_\_\_  
Art W. Cleaves  
Director MEMA

Signed: \_\_\_\_\_  
Craig A. Poulin  
Chief/Maine State Police

## **APPENDIX G**

**Draft Legislation: *An Act to Enhance the Protection of Maine Families from Terrorism and Natural Disasters***



# TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS

## DRAFT LEGISLATION

### **Title: A/A to Enhance the Protection of Maine Families from Terrorism and Natural Disasters**

Be it enacted by the People of Maine as follows:

**Sec. 1.** 5 M.R.S.A. §1532, sub-§2, is amended to read:

#### **§1532. Maine Budget Stabilization Fund**

**1. Generally; stabilization fund established.** The Maine Budget Stabilization Fund is hereby established. Amounts in the stabilization fund may not exceed 12% of total General Fund revenues in the immediately preceding state fiscal year and, except as provided by section 1533, may not be reduced below 1% of total General Fund revenue in the immediately preceding state fiscal year. For the purposes of this subsection, at the close of a fiscal year, "immediately preceding state fiscal year" means the fiscal year that is being closed.

**2. Expenditures from fund.** Except as otherwise provided in this section, amounts in the stabilization fund may be expended only to offset a General Fund revenue shortfall; except that the Governor is authorized to transfer up to three million dollars to the Disaster Relief Fund, as long as the transfer does not create a balance in the fund of more than three million dollars.

**3. Fund to be nonlapsing.** The balance of the stabilization fund may not lapse but must be carried forward to carry out the purposes of this chapter.

**4. Investment of funds.** The money in the stabilization fund may be invested as provided by law with the earnings credited to the stabilization fund.

**5. Investment proceeds; exception.** At the close of every month during which the stabilization fund is at the 12% limitation described in subsection 1, the State Controller shall transfer from the General Fund to the Retirement Allowance Fund established in section 17251 an amount equal to the investment earnings that otherwise would have been credited to the stabilization fund.

**6. Death benefits.** The Governor shall allocate funds from the stabilization fund as needed to pay benefits due pursuant to Title 25, chapter 195-A. Allocations may be made upon written request of the Chief of the State Police, the State Fire Marshal or the Director of Maine Emergency Medical Services and after consultation with the State Budget Officer.

Sec. 2. Title 5, §12004-I, sub-§ 91 is enacted to read:

§ 91. Emergency Management (Field). (Name of Organization) Homeland Security Advisory Council. (Rate of Compensation) Not Authorized. (Statutory Reference) 37-B M.R.S.A. §709.

Sec. 3. Title 20-A, §15908 is amended to read:

**§15908. Design limits**

**1. Technical assistance.** In order to provide the technical assistance required by the state board in assessing proposed school construction projects, the Bureau of Public Improvements may contract for the services of a professional engineer whenever the bureau not employing qualified personnel on a full-time basis.

**2. Energy conservation standards.** The state board shall approve only those projects which have been designed in accordance rigorous standards for the conservation of energy.

**3. Life-cycle costs.** The department and the Bureau of Public Improvements may not approve the plans and specifications of a project which does not meet the requirements of Title 5, chapter 153, subchapter I-A.

**4. Consistent siting.** The state board shall adopt criteria governing applications under this chapter to direct construction projects new schools to areas determined suitable under the provisions of Title 30-A, chapter 187, subchapter II, by the municipality within which the project will be located. The board may not require a minimum contiguous parcel size for the project as a condition of approval.

**5. Emergency Generators.** The state board shall approve only those projects that have been designed to include back-up energy generators or that are wired for portable energy generators for use as public shelters.

Sec. 4. Title 22, §10-A is enacted to read:

**§10-A. Coordination and reporting on expenditure of funds pertaining to homeland security and bioterrorism prevention**

The Director of the Maine Center for Disease Control and Prevention shall coordinate in a mutually agreed upon manner with the Director of the Maine Emergency Management Agency on the planning and expenditure of all federal funds received by the Maine Center for Disease Control and Prevention for homeland security emergency preparedness purposes or for the prevention of bioterrorism and provide a report annually, beginning December 15, 2006, to the Homeland Security Advisory Council. The Homeland Security Advisor for the Council shall report by January 15<sup>th</sup> of each year, beginning in 2007, on the expenditure of such funds to the joint standing committee

having jurisdiction over health and human service matters and the joint standing committee having jurisdiction over criminal justice and public safety matters. The report must include, but is not limited to, the amount of funds expended in the prior year, the purpose of those expenditures, the effect of those expenditures on homeland security or bioterrorism prevention and the plans for coordination with the Maine Emergency Management Agency for the expenditure of the funds received or anticipated for such purposes in the two years following submission of the report.

Sec. 5. Title 37-B, §704-A is amended to read:

**§704. Director; duties**

The Maine Emergency Management Agency, as previously established and in this chapter called the "agency," shall be under the supervision of the Director of the Maine Emergency Management Agency, who in this chapter shall be called the "director." The director shall be qualified by education, training or experience in the emergency management profession, and must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety and confirmation by the Legislature and serve at the pleasure of the Governor;

The director may employ technical, clerical, stenographic, administrative and operative assistants and other personnel, subject to the Civil Service Law, and make expenditures, with approval of the commissioner, that are necessary to carry out the purposes of this chapter.

The director, subject to the direction and control of the commissioner, is responsible administratively to the commissioner, retains direct access to the Governor during an emergency and is responsible for notifying the Governor and the commissioner of all emergencies. The director is the executive head of the agency and is responsible for carrying out the program for emergency management. The director shall represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State; shall coordinate the activities of all organizations for emergency management within the State; shall maintain liaison with and cooperate with emergency management and public safety agencies and organizations of other states, the Federal Government and foreign countries, and their political subdivisions; prior to the annual meeting required in section 782, subsection 4, shall provide to each of the local emergency management organizations of the State an annual assessment of each organization's degree of emergency management capability and any other information pertinent to ensuring the public's welfare and safety within the local organization's jurisdiction; and has additional authority, duties and responsibilities as may be prescribed by the commissioner or the Governor.

The director shall not require any political subdivision to participate in any program of nuclear civil protection planning. The director, in consultation with the Office of Chief Medical Examiner, shall prepare a plan for the recovery, identification and disposition of human remains in a disaster. The Office of Chief Medical Examiner is responsible for execution of the plan, with full cooperation and assistance from all other members of the emergency management forces.

This plan must be reviewed and updated as necessary. The director shall see that the plan and the reviews receive suitable dissemination on a timely basis.

The Director shall conduct periodic assessments at least once every two years beginning January 15, 2007, of the use of public safety radio frequencies in emergency situations to ensure that the first responder community obtains sufficient training to understand and comply with adopted protocols and procedures.

The Director shall develop and produce emergency preparedness public service announcements to be broadcasted regularly on local broadcasting networks to educate and inform members of the public.

Sec. 6. Title 37-B, §708 is enacted to read:

**§ 708. Legislative jurisdiction**

All duties of the agency and the director are within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety.

Sec. 7. Title 37-B, §709 is enacted to read:

**§709. Homeland Security Advisory Council**

The Homeland Security Advisory Council, as established in Title 5, Section 12004-I, sub-section 91, and referred to in this section as the "council," advises the Governor on the homeland security activities of state agencies to ensure coordination among agencies and effective use of grant funds. The Maine Emergency Agency will provide staff and administrative support to the council from existing resources.

1. **Membership.** The council shall be composed of the following 6 members:

- a) The Director of the Maine Emergency Management Agency
- b) The Commissioner of Defense, Veterans and Emergency Management
- c) The Commissioner of Public Safety
- d) The Director of the Bureau of Health
- e) The Chief of the Maine State Police
- f) A representative of the Governor

The chair of the council shall be the Director of MEMA. The advisor of the council shall be the Commissioner of Defense, Veterans and Emergency Management.

2. **Duties of the Council.** The Council shall:

- a) Advise the Governor with regard to the vulnerability of the State of Maine to terrorist activity;
- b) Advise the Governor with regard to the adequacy of the plans to enhance homeland security;
- c) Ensure the homeland security activities of state agencies are coordinated;
- d) Advise the Governor with regard to the implementation of state programs using federal funds and administration of federal grants for homeland security, in order to ensure coordination among agencies and the most effective use of grant funds;
- e) Advise the Governor with regard to the appropriate level of Homeland Security Threat Advisory in the State of Maine, based upon intelligence gathered in the state and from federal sources;
- f) Advise the Governor with regard to the appropriate response to any terrorist threat; and
- g) Periodically advise the Emergency Response Team of pertinent information that could assist in their response to an event.

3. **Procedures.** The Council shall:

- a) Meet at times and places as determined by the Chair or the Governor and with assistance from state agencies as necessary and appropriate for the Council's execution of its responsibilities described herein;
- b) Meet, either physically or via telecommunication, as determined by the Chair, immediately upon notification that the Federal Homeland Security Threat Advisory Level will be changed, in order to develop a recommendation to the Governor of the appropriate Threat Advisory Level and action steps for Maine; and
- c) Meet at the call of the Chair or the Governor at any time the Governor requires the advice of the Council.

The state response to any suspected terrorist event will be coordinated through the State Emergency Operations Center, in accordance with the State Emergency Operations Plan. Meetings of the Council are not "public proceedings" for purposes of Title 1, M.R.S.A., Chapter 13, but may be open to the public at the discretion of the Chair. Documents collected or produced by the Council are not public records.

4. **Resources and Support.** The Maine Emergency Management Agency is responsible for providing staff and administrative support to the council from existing resources. The Maine Emergency Management Agency is the coordinating agency within state government for homeland security operational preparedness, response, recovery and mitigation.

As the coordinating agency, MEMA shall:

- a. Develop and maintain the State Emergency Operations Plan, which will incorporate by reference any internal operational plans developed by other state agencies for emergency response;
- b. Coordinate the State Emergency Operations Center;
- c. Coordinate with other state agencies in the development of their emergency response plans;
- d. Coordinate the review and approval of all grant applications developed by local and state agencies for homeland security funds; and
- e. Administer homeland security grant funds.

**Sec. 8. 37-B M.R.S.A. §745 is amended to read:**

**§745. Disaster Relief Fund**

1. Fund established. There is established the Disaster Relief Fund, referred to in this section as "the fund," to be administered by the agency.

2. Sources of fund. The following must be paid into the fund:

A. All money appropriated for inclusion in the fund;

B. All interest from investment of the fund; ~~and~~

C. Any other money deposited in the fund to implement the provisions of this subchapter; and

D. Any money transferred into the fund from the Maine Budget Stabilization Fund, established in Title 5 section 1532.

3. Use of fund. The fund must be the ~~first~~ last resource used when section 742 or 744 is invoked. The fund may also be used for the purpose of matching federal funds in the event of a federally declared disaster.

4. Fund balance. The fund's balance may not exceed \$3,000,000. No more than \$3,000,000 may be deposited into or expended from the fund within a state fiscal year. Any amount, including interest, that accrues in excess of three million dollars shall be transferred by the State Controller to the Maine Budget Stabilization Fund, established in Title 5, section 1532.

5. Annual report. The director shall submit a written report annually beginning on January 15, 2007, to the Governor and the Legislature on the fund's balance and expenditures.

**Sec. 9. Title 3, §959, sub-§1, ¶D** is amended to read:

D. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Public Safety, except for the division designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine and the Emergency Services Communication Bureau, in 2001; ~~and~~

(2) Department of Corrections in 2011; and;

(3) The Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management in 2008.

**Sec. 10. Title 3, §959, sub-§1, ¶J** is amended to read:

J. The joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs shall use the following schedule as a guideline for scheduling reviews:

(2) State Liquor and Lottery Commission in 2007;

(3) The division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine in 2007; and

(4) Department of Defense, Veterans and Emergency Management in 2011, except for the Maine Emergency Management Agency within that Department.

**Sec. 11. 5 M.R.S.A. §1520, sub-§1 (B)** is amended to read

B. The Chief Information Officer, in conjunction with the agencies using the statewide radio and network system operating as a board that constitutes the Statewide Radio Network Board, shall establish the following:

- (1) Standards for statewide radio and network system operations;
- (2) Specifications for systems and components to be acquired by the State; and
- (3) Standards for the exemption or waiver of state agencies from the requirements of this section.

By January 15, 2002, standards must be developed for statewide radio and network system usage by all state agencies not exempted under subparagraph (3).

**Sec. 12. Radio frequency coordination for emergency planning.** The Statewide Radio Network Board shall develop protocols and procedures for frequency coordination throughout the state during major emergencies and shall include participation by and obtain memorandums of understanding from various stakeholders, including: Maine Emergency Management Agency, Maine Fire Chiefs Association, Maine Chiefs of Police, Maine Fire Protection Services Commission, Maine Sheriff's Association, the Maine State Police, Department of Public Safety, federal first responders, Maine Emergency Medical Services, Maine Hospital Association, and local public works and utilities. The Statewide Radio Network Board shall allocate no less than 6 public safety band radio frequencies to be used as multi-jurisdictional, county and state disaster channels. The Director of the Maine Emergency Management Agency shall develop a communications plan for multi-jurisdictional, regional and statewide disasters to ensure interoperability that includes participation with both public and private expected response partners, and local, county, state and federal stakeholders. The Statewide Radio Network Board and the Maine Emergency Management Agency shall report back to the Task Force to Study Maine's Homeland Security Needs on their progress in obtaining memorandums of understanding from the various stakeholders and the need for training the first responder community in the area of frequency use and operation by September 18, 2006.

**Sec. 13. Community outreach for emergency planning.** The Director of the Maine Emergency Management Agency shall coordinate with the Commissioner of Education to perform an assessment of the number of Maine public schools that have adopted an all-hazards approach to emergency preparedness. The Director of the Maine Emergency Management Agency and the Commissioner of Education shall coordinate their efforts for community outreach for all-hazards emergency planning. The Director of the Maine Emergency Management Agency shall report back to the Task Force to Study Maine's Homeland Security Needs on the emergency notification systems currently in place and shall provide recommendations on how these systems should be improved by September 18, 2006.

**Sec. 14. Emergency notification systems, evacuation plans and shelters.** The Director of the Maine Emergency Management Agency shall survey local Maine communities to gather information on the following: the types of emergency notification systems that are in place throughout the state; evacuation plans for nursing homes currently adopted throughout the state; and shelter capabilities throughout the state, with a focus on determining how shelters are designed to accommodate populations with special needs, particularly persons with disabilities. The Director shall report back by September 18, 2006 to the Task Force to Study Maine's Homeland Security Needs on the results of this survey and shall provide recommendations for improvement in these areas, with a focus on how to accommodate populations with special needs, particularly persons with disabilities.

**Sec. 15. Emergency planning in public schools.** The Commissioner of Education shall determine methods for incorporating emergency planning within the elementary and high school public school curriculum. The commissioner shall report by January 15, 2007 on the commissioner's findings and recommended changes to the education curriculum to the joint standing committee having jurisdiction over education and cultural affairs matters, and the joint standing committee having jurisdiction over criminal justice and public safety matters.



**Sec. 16. Report on Hospital Surge Capacity.** The Director of the Maine Center for Disease Control and Prevention, in conjunction with the Maine Hospital Association, shall update its recent survey of emergency health system capacity in Maine. The Director of the Maine Center for Disease Control and Prevention, in coordination with the Director of the Maine Emergency Management Agency with the Maine Hospital Association, shall develop recommendations to address Maine's acute medical and public health surge capacity and shall provide a report on these recommendations to the Task Force to Study Maine's Homeland Security Needs by September 18, 2006.

**Sec. 17. Report on Local Health Officers.** The Director of the Maine Center for Disease Control and Prevention, in conjunction with stakeholders and interested parties, shall study the qualifications and duties of local health officers in Maine and develop recommendations for enhancing the role of local health officers in emergency preparedness plans. The Director of the Maine Center for Disease Control and Prevention shall report back to the Task Force to Study Maine's Homeland Security Needs on the results of this study and proposed recommendations by September 18, 2006.

**Sec. 18. Regional Resource Centers.** The Director of the Maine Center for Disease Control and Prevention shall work with stakeholders to ensure that the Regional Resource Centers are provided sufficient funding resources to meet the goals of hospital and health system providers. The Director of the Maine Center for Disease Control and Prevention shall report back to the Task Force to Study Maine's Homeland Security Needs on the results of the Health Resources and Services Administration (HRSA) grant and contract with the Regional Resource Centers and proposed recommendations by September 18, 2006, as well as to the joint standing committee having jurisdiction over health and human services matters and the joint standing committee having jurisdiction over criminal justice matters by January 15, 2007.

## SUMMARY

This bill represents the interim recommendations of the Task Force to Study Maine's Homeland Security Needs. This bill authorizes the Governor to transfer up to three million dollars to the Disaster Relief Fund, unless the fund's balance exceeds three million dollars. It requires that any interest that accrues in the fund in excess of three million dollars must be transferred by the State Controller to the Budget Stabilization Fund. The bill also provides that the Disaster Relief fund may be used for the purpose of matching federal funds in the event of a federally declared disaster.

This bill proposes to require the Director of Maine Center for Disease Control and Prevention, located within the Department of Health and Human Services, to coordinate with the Maine Emergency Management Agency on the planning and expenditure of federal funds received by the Center for homeland security or bioterrorism prevention. The bill also requires the Center to report annually to the Health and Human Services Committee and the Criminal Justice and Public Safety Committee on the use of those funds.

This bill places all duties of the Maine Emergency Management Agency and its Director under the jurisdiction of the Joint Standing Committee on Criminal Justice and Public Safety and assigns that committee the responsibility of reviewing that Agency under the provisions of the State Government Evaluation Act. The bill states that the Director of the Maine Emergency Management Agency shall be qualified by education, training and experience in the emergency management profession and recommended by the commissioner and appointed by the Governor. It also provides that the director shall represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State. It requires the Director of the Agency to conduct periodic assessments of the use of state radio frequencies in emergency and directs the Director to develop and produce emergency preparedness public service announcements to be broadcasted regularly on local broadcasting networks. This bill proposes to require the Director of the Maine Emergency Management Agency to survey local Maine communities to gather information on the types of emergency notification systems that are in place throughout the state, evacuation plans for nursing homes currently adopted throughout the state and shelter capabilities throughout the state, with a focus on determining how shelters are designed to accommodate populations with special needs, particularly persons with disabilities.

This bill directs the Statewide Radio Network Board to develop protocols and procedures for frequency coordination throughout the state during emergencies and to work towards obtaining memorandums of understanding from various stakeholders, including the following: Maine Emergency Management Agency, Maine Fire Chiefs Association, Maine Chiefs of Police, Maine Fire Protection Services Commission, Maine Sheriff's Association, the Maine State Police, Department of Public Safety, federal first responders, Maine Emergency Medical Services, Maine Hospital Association, and local public works and utilities. The bill requires the Statewide Radio Network Board to report back to the Task Force to Study Maine's Homeland Security Needs on its progress by September 18, 2006. It clarifies that the Chief Information Officer and other agencies using the statewide radio and network system may operate as a board to establish standards for statewide radio and network system operations.

The bill directs the Director of the Maine Emergency Management Agency to coordinate with the Commissioner of Education to perform an assessment of the number of Maine public schools that have adopted an all-hazards approach to emergency preparedness and requires the Director of the Maine Emergency Management Agency and the Commissioner of the Maine Department of Education to coordinate their efforts for community outreach for all-hazards emergency planning. The bill requires the Director of the Maine Emergency Management Agency to report back to the Task Force to Study Maine's Homeland Security Needs with its findings and recommendations by September 18, 2006. This bill also proposes to require that all new schools must be designed to include back-up energy generators or be wired to accommodate portable energy generators for use as public shelters.

This bill also requires the Commissioner of Education to determine methods for incorporating emergency planning within the elementary and high school public school curriculum. It requires the commissioner to report back by January 15, 2007 with findings and proposed recommended changes to the education curriculum to the joint standing committee

having jurisdiction over education and cultural affairs matters, as well as the joint standing committee having jurisdiction over criminal justice and public safety matters.

Finally, this bill directs the Maine Center for Disease Control and Prevention, in conjunction with the Maine Hospital Association, to conduct a survey of emergency room capacity to determine the impact on hospital surge capacity. The bill requires the Center for Disease Control and Prevention, with the Maine Hospital Association, to report back to the Task Force to Study Maine's Homeland Security Needs on the results of this study by September 18, 2006. It also requires the Director of the Maine Center for Disease Control and Prevention to work with stakeholders to ensure that the Regional Resource Centers are provided sufficient funding resources and requires the Director to report back to the Task Force to Study Maine's Homeland Security Needs on the results of this study and proposed recommendations by September 18, 2006, as well as to the joint standing committee having jurisdiction over health and human services matters and the joint standing committee having jurisdiction over criminal justice matters by January 15, 2007.

## **APPENDIX H**

**Draft Legislation: *An Act to Facilitate the Hiring of Health Care Personnel During  
Emergency Circumstances***

# TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS

## DRAFT LEGISLATION

### **Title: An Act to Facilitate the Hiring of Health Care Personnel during Emergency Circumstances**

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

**Sec. 1. 22 M.R.S.A. § 816**, as enacted by PL 2003, c. 438, § 2, is enacted to read:

#### **§816. Immunity**

1. For private institutions. Any private institution, its employees or agents are immune from civil liability to the extent provided in Title 14, chapter 741, as if that institution were a state agency and its employees and agents were state employees, for any acts taken to provide for the confinement or restraint of a person committed pursuant to this chapter or for participating in reporting under this chapter, or for engaging in any prescribed care within the meaning of this chapter in support of the State's response to a declared extreme public health emergency in accordance with the provisions of this chapter and Title 37-B, chapter 13, subchapter 2.

2. Healthcare Workforce. A private institution is immune from civil penalties and liability for any actions arising from allegations of inadequate investigation prior to that institution's hiring or engagement of a licensed health care worker, including but not limited to allegations of negligent hiring, credentialing or privileging, for services provided within the scope of that health care worker's licensure in response to a declared health emergency declared pursuant to section 802, subsection 2; an extreme public health emergency as defined in section 801, subsection 4-A; or a disaster as defined in Title 37-B, section 703 subsection 2 as long as the private institution hires or engages the services of the licensed health care worker in accordance with this subsection.

A. When hiring or engaging the services of a licensed health care worker that, at the time of hiring or engagement, is employed or privileged by any entity in any state, a private institution may rely upon the representation of that employing or privileging entity regarding appropriate screening of the worker, such as background investigation, primary source verification, credentialing or privileging.

B. When hiring or engaging the services of a licensed health care worker that, at the time of hiring or engagement, is retired or unemployed, a private institution may rely upon the representation of the worker's most recent employer or privileging entity if that employment or privileging occurred within the previous 24 months.

C. If an employer or privileging entity is unable to respond to the inquiries of a private institution due to a public health threat, extreme public health emergency or disaster circumstances, the private institution may rely on the licensed health care worker's representations regarding that worker's status or pre-employment screening or privileging review.

A private institution that complies with this subsection may hire or engage the services of a licensed health care worker and be deemed in compliance with all state licensing standards.

2. Reporting and proceedings. Any person participating in reporting under this chapter or participating in a related communicable disease investigation or proceeding, including, but not limited to, any person serving on or assisting a multidisciplinary intervention team or other investigating or treatment team, is immune from civil liability for the act of reporting or participating in the investigation or proceeding in good faith. Good faith does not include instances when a false report is made and the reporting person knows or should know the report is false.

3. For public institutions or employees. Immunity for public institutions and employees shall be governed by Title 14, chapter 741.

### **SUMMARY**

This bill grants private institutions that hire or engage with licensed health care personnel immunity from civil liability in the event of a declared public health emergency, an extreme public health emergency, or in response to a disaster for any actions arising from allegations of inadequate investigation prior to their engagement, including but not limited to negligent hiring, credentialing or privileging, for services provided within the scope of that health care practitioner's licensure.

## **APPENDIX I**

**Draft Legislation: *Joint Resolution Memorializing the Congress***

## **TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS**

### **DRAFT LEGISLATION**

#### **JOINT RESOLUTION MEMORIALIZING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SHIFT FUNDING PRIORITIES AND SUPPORT THE EQUITABLE DISBURSEMENT OF HOMELAND SECURITY FUNDS AS OUTLINED IN UNITED STATES SENATE BILL 21, SPONSORED BY SENATOR SUSAN COLLINS, IN ORDER TO ENSURE THAT ALL STATES EFFECTIVELY CONTRIBUTE TO OUR NATIONAL SECURITY GOALS AND EMERGENCY PREPAREDNESS**

**WE**, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the Second Session, most respectfully present and petition the Congress and the President of the United States as follows:

**WHEREAS**, the success of our nation's homeland security response strategy relies on the success of our cohesive Federal, State, and local prevention and response efforts; and

**WHEREAS**, the State of Maine's homeland security and emergency preparedness funding has dropped from thirty-five million dollars in 2004 to a projected sixteen million dollars in 2006; and

**WHEREAS**, a baseline level of funding is necessary for every state and territory to effectively support emergency management, Federal, State and local law enforcement and first responders in the continuation of their rigorous efforts to protect our citizens from security threats and vulnerabilities posed by our ports, borders, agricultural food production and supply, water supply, fuel, and computer systems; and

**WHEREAS**, every state and territory needs flexibility to address its unique local or regional needs, while working cooperatively to achieve national preparedness goals, and Congress has the responsibility to ensure that all states and territories have the tools necessary to make their own individual contributions to our collective national security; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the United States Congress shift spending priorities and enact Senate bill 21, the Homeland Security Grant Enhancement Act of 2005, sponsored by Senator Susan Collins, to provide each state with their fair and reasonable share of homeland security funding as well as public health bioterrorism grant funding, to establish essential capabilities to prevent and respond to the next terrorist attack; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the



President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Maine Congressional Delegation.

## **APPENDIX J**

**U. S. Senate Bill S.21, ‘A bill to provide for homeland security grant coordination and simplification, and for other purposes’**

S 21 IS

109th CONGRESS

1st Session

**S. 21**

To provide for homeland security grant coordination and simplification, and for other purposes.

**IN THE SENATE OF THE UNITED STATES****January 25, 2005**

Ms. COLLINS (for herself, Mr. CARPER, Mr. VOINOVICH, Mr. FEINGOLD, Mr. AKAKA, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

**A BILL**

To provide for homeland security grant coordination and simplification, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Homeland Security Grant Enhancement Act of 2005'.

**SEC. 2. DEFINITIONS.**

In this Act, the following definitions shall apply:

- (1) **INSULAR AREA**- The term 'insular area' means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.
- (2) **LARGE HIGH-THREAT STATE FUND**- The term 'Large High-Threat State Fund' means the fund containing amounts authorized to be appropriated for States that elect to receive Federal financial assistance through a per capita share of 38.625 percent of the amount appropriated for the State Homeland Security Grant Program.

(3) LOCAL GOVERNMENT- The term `local government' has the same meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(4) MUNICIPAL SOLID WASTE- The term `municipal solid waste' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(5) SECRETARY- The term `Secretary' means the Secretary of Homeland Security.

(6) STATE- The term `State' means each of the several States of the United States and the District of Columbia.

(7) STATE HOMELAND SECURITY GRANT PROGRAM- The term `State Homeland Security Grant Program' means the program receiving 75 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program.

(8) THREAT-BASED HOMELAND SECURITY GRANT PROGRAM- The term `Threat-Based Homeland Security Grant Program' means the program authorized under section 6.

(9) URBAN AREA SECURITY INITIATIVE GRANT PROGRAM- The term `Urban Area Security Initiative Grant Program' means the program receiving 25 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program.

### **SEC. 3. PRESERVATION OF PRE-9/11 GRANT PROGRAMS FOR TRADITIONAL FIRST RESPONDER MISSIONS.**

(a) In General- This Act shall not be construed to affect any authority to award grants under any Federal grant program listed under subsection (b), which existed on September 10, 2001, to enhance traditional missions of State and local law enforcement, firefighters, ports, emergency medical services, or public health missions.

(b) Programs Included- The programs referred to in subsection (a) are the following:

(1) The Firefighter Assistance Program authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(2) The Emergency Management Performance Grant Program and the Urban Search and Rescue Grant program authorized under--

(A) title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.);

(B) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106-74; 113 Stat. 1047 et seq.); and

(C) the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

(3) The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs authorized under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(4) The Public Safety and Community Policing (COPS ON THE BEAT) Grant Program authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(5) Grant programs under the Public Health Service Act regarding preparedness for bioterrorism and other public health emergencies and the Emergency Response Assistance Program authorized under section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312).

#### **SEC. 4. INTERAGENCY COMMITTEE TO COORDINATE AND STREAMLINE HOMELAND SECURITY GRANT PROGRAMS.**

(a) In General- Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 801 the following:

#### **` SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE AND STREAMLINE HOMELAND SECURITY GRANT PROGRAMS.**

`(a) Establishment-

`(1) IN GENERAL- The Secretary, in coordination with the Attorney General, the Secretary of Health and Human Services, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and other agencies providing assistance for first responder preparedness, as identified by the President, shall establish the Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs (referred to in this subtitle as the `Interagency Committee').

`(2) COMPOSITION- The Interagency Committee shall be composed of--

- ` (A) a representative of the Department;
- ` (B) a representative of the Department of Health and Human Services;
- ` (C) a representative of the Department of Transportation;
- ` (D) a representative of the Department of Justice;
- ` (E) a representative of the Environmental Protection Agency; and
- ` (F) a representative of any other department or agency determined to be necessary by the President.

` (3) RESPONSIBILITIES- The Interagency Committee shall--

- ` (A) report on findings to the Information Clearinghouse established under section 801(d);
- ` (B) consult with State and local governments and emergency response providers regarding their homeland security needs and capabilities;
- ` (C) advise the Secretary on the development of performance measures for homeland security grant programs and the national strategy for homeland security;
- ` (D) compile a list of homeland security assistance programs;
- ` (E) not later than 1 year after the effective date of the Homeland Security Grant Enhancement Act of 2005--
  - ` (i) develop a proposal to coordinate, to the maximum extent practicable, the planning, reporting, application, and other guidance documents contained in homeland security assistance programs to eliminate all redundant and duplicative requirements; and
  - ` (ii) submit the proposal developed under clause (i) to Congress and the President.

` (b) Administration- The Department shall provide administrative support to the Interagency Committee, which shall include--

- ` (1) scheduling meetings;
- ` (2) preparing agenda;

` (3) maintaining minutes and records; and

` (4) producing reports.

` (c) Chairperson- The Secretary shall designate a chairperson of the Interagency Committee.

` (d) Meetings- The Interagency Committee shall meet--

` (1) at the call of the Secretary; or

` (2) not less frequently than once every month.'.

(b) Technical and Conforming Amendment- The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 801 the following:

` Sec. 802. Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs.'.

## **SEC. 5. STREAMLINING FEDERAL HOMELAND SECURITY GRANTS.**

(a) Director of State and Local Government Coordination and Preparedness- Section 801(a) of the Homeland Security Act of 2002 (6 U.S.C. 361(a)) is amended to read as follows:

` (a) Establishment-

` (1) IN GENERAL- There is established within the Office of the Secretary the Office for State and Local Government Coordination and Preparedness, which shall oversee and coordinate departmental programs for, and relationships with, State and local governments.

` (2) EXECUTIVE DIRECTOR- The Office established under paragraph (1) shall be headed by the Executive Director of State and Local Government Coordination and Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate.'.

(b) Office for Domestic Preparedness- The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended--

(1) by redesignating section 430 as section 803 and transferring that section to the end of subtitle A of title VIII, as amended by section 4; and

(2) in section 803, as redesignated by paragraph (1)--

(A) in subsection (a), by striking `the Directorate of Border and Transportation Security' and inserting `the Office for State and Local Government Coordination and Preparedness';

(B) in subsection (b), by striking `who shall be appointed by the President' and all that follows and inserting `who shall report directly to the Executive Director of State and Local Government Coordination and Preparedness.';

(C) in subsection (c)--

(i) in paragraph (7)--

(I) by striking `other' and inserting `the';

(II) by striking `consistent with the mission and functions of the Directorate'; and

(III) by striking `and' at the end; and

(ii) in paragraph (8)--

(I) by inserting `carrying out' before `those elements'; and

(II) by striking `and' at the end;

(iii) in paragraph (9), by striking the period at the end and inserting `; and'; and

(iv) by adding at the end the following:

`(10) managing the Homeland Security Information Clearinghouse established under section 801(d).';

(D) by redesignating subsection (d) as subsection (e); and

(E) by inserting after subsection (c) the following:

`(d) Training and Exercises Office Within the Office for Domestic Preparedness-

`(1) IN GENERAL- The Secretary shall create within the Office for Domestic Preparedness an internal office that shall be the proponent for all national domestic preparedness, training, education, and exercises within the Office for State and Local Government Coordination.



` (2) OFFICE HEAD- The Secretary shall select an individual with recognized expertise in first-responder training and exercises to head the office, and such person shall report directly to the Director of the Office of Domestic Preparedness.'.

(c) Technical and Conforming Amendments- The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended--

(1) by striking the item relating to section 430;

(2) by amending the item relating to section 801 to read as follows:

` Sec. 801. Office of State and Local Government Coordination and Preparedness.';

and

(3) by inserting after the item relating to section 802, as added by this Act, the following:

` Sec. 803. Office for Domestic Preparedness.'.

(d) Establishment of Homeland Security Information Clearinghouse- Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 361), as amended by subsection (a), is further amended by adding at the end the following:

` (d) Homeland Security Information Clearinghouse-

` (1) ESTABLISHMENT- There is established within the Office for State and Local Government Coordination a Homeland Security Information Clearinghouse (referred to in this section as the `Clearinghouse'), which shall assist States, local governments, and first responders in accordance with paragraphs (2) through (5).

` (2) HOMELAND SECURITY GRANT INFORMATION- The Clearinghouse shall create a new website or enhance an existing website, establish a toll-free number, and produce a single publication that each contain information regarding the homeland security grant programs identified under section 802(a)(4).

` (3) TECHNICAL ASSISTANCE- The Clearinghouse, in consultation with the Interagency Committee established under section 802, shall provide information regarding--

` (A) technical assistance provided by any Federal agency to States and local governments to conduct threat analyses and vulnerability assessments; and

` (B) templates for conducting threat analyses and vulnerability assessments.

` (4) BEST PRACTICES- The Clearinghouse shall work with States, local governments, emergency response providers and the National Domestic Preparedness Consortium, and private organizations to gather, validate, and disseminate information regarding successful State and local homeland security programs and practices.

` (5) USE OF FEDERAL FUNDS- The Clearinghouse shall compile information regarding equipment, training, and other services purchased with Federal funds provided under the homeland security grant programs identified under section 802(a)(4), and make such information, and information regarding voluntary standards of training, equipment, and exercises, available to States, local governments, and first responders.

` (6) OTHER INFORMATION- The Clearinghouse shall provide States, local governments, and first responders with any other information that the Secretary determines necessary.'.

## **SEC. 6. THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.**

(a) Grants Authorized- The Secretary may award grants to States and local governments to enhance homeland security.

(b) Use of Funds-

(1) IN GENERAL- Grants awarded under subsection (a)--

(A) shall be used to address homeland security matters related to acts of terrorism or major disasters and related capacity building; and

(B) shall not be used to supplant ongoing first responder expenses or general protective measures.

(2) ALLOWABLE USES- Grants awarded under subsection (a) may be used to--

(A) develop State plans or risk assessments (including the development of the homeland security plan) to respond to terrorist attacks and strengthen all hazards emergency planning and community wide plans for responding to terrorist or all hazards emergency events that are coordinated with the capacities of applicable Federal, State, and local governments, first responders, and State and local government health agencies;

- (B) develop State, regional, or local mutual aid agreements;
- (C) purchase or upgrade equipment based on State and local needs as identified under a State homeland security plan;
- (D) conduct exercises to strengthen emergency preparedness of State and local first responders including law enforcement, firefighting personnel, and emergency medical service workers, and other emergency responders identified in a State homeland security plan;
- (E) pay for overtime expenses relating to--
  - (i) training activities consistent with the goals outlined in a State homeland security plan;
  - (ii) as determined by the Secretary, activities relating to an increase in the threat level under the Homeland Security Advisory System; and
  - (iii) any other activity relating to the State Homeland Security Strategy, and approved by the Secretary;
- (F) promote training regarding homeland security preparedness including--
  - (i) emergency preparedness responses to a use or threatened use of a weapon of mass destruction; and
  - (ii) training in the use of equipment, including detection, monitoring, and decontamination equipment, and personal protective gear; and
- (G) conduct any activity permitted under the Law Enforcement Terrorism Prevention Grant Program.

### (3) PROHIBITED USES-

- (A) CONSTRUCTION- Grants awarded under subsection (a) may not be used to construct buildings or other physical facilities, except those described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) and approved by the Secretary in the homeland security plan certified under subsection (d), or to acquire land.
- (B) COST SHARING- Grant funds provided under this section shall not be used for any State or local government cost sharing

contribution request under this section.

(c) Application-

(1) SUBMISSION- A State may apply for a grant under this section by submitting to the Secretary an application at such time, and in such manner, and containing such information the Secretary may reasonably require.

(2) REVISIONS- A State may revise a homeland security plan certified under subsection (d) at the time an application is submitted under paragraph (1) after receiving approval from the Secretary.

(3) APPROVAL- The Secretary shall not award a grant under this section unless the application submitted by the State includes a homeland security plan meeting the requirements of subsection (d).

(4) RELEASE OF FUNDS- The Secretary shall release grant funds to States with approved plans after the approval of an application submitted under this subsection.

(d) Homeland Security Plan-

(1) IN GENERAL- An application submitted under subsection (c) shall include a certification that the State has prepared a 3-year State homeland security plan (referred to in this subsection as the 'plan') to respond to terrorist attacks and strengthen all hazards emergency planning that has been approved by the Secretary.

(2) CONTENTS- The plan shall contain measurable goals and objectives that--

(A) establish a 3-year strategy to set priorities for the allocation of funding to political subdivisions based on the risk, capabilities, and needs described under paragraph (3)(C);

(B) provide for interoperable communications;

(C) provide for local coordination of response and recovery efforts, including procedures for effective incident command in conformance with the National Incident Management System;

(D) ensure that first responders and other emergency personnel have adequate training and appropriate equipment for the threats that may occur;

(E) provide for improved coordination and collaboration among

police, fire, and public health authorities at State and local levels;

(F) coordinate emergency response and public health plans;

(G) mitigate risks to critical infrastructure that may be vulnerable to terrorist attacks;

(H) promote regional coordination among contiguous local governments;

(I) identify necessary protective measures by private owners of critical infrastructure;

(J) promote orderly evacuation procedures when necessary;

(K) ensure support from the public health community for measures needed to prevent, detect and treat bioterrorism, and radiological and chemical incidents;

(L) increase the number of local jurisdictions participating in local and statewide exercises;

(M) meet preparedness goals as determined by the Secretary; and

(N) include a report from the relevant advisory committee established under paragraph (3)(D) that documents the areas of support, disagreement, or recommended changes to the plan before its submission to the Secretary.

### (3) DEVELOPMENT PROCESS-

(A) IN GENERAL- In preparing the plan under this section, a State shall--

(i) provide for the consideration of all homeland security needs;

(ii) follow a process that is continuing, inclusive, cooperative, and comprehensive, as appropriate; and

(iii) coordinate the development of the plan with the homeland security planning activities of local governments.

(B) COORDINATION WITH LOCAL PLANNING ACTIVITIES- The coordination under subparagraph (A)(iii) shall contain input from local stakeholders, including--

- (i) local officials, including representatives of rural, high-population, and high-threat jurisdictions;
- (ii) first responders and emergency response providers; and
- (iii) private sector companies, such as railroads and chemical manufacturers.

(C) SCOPE OF PLANNING- Each State preparing a plan under this section shall, in conjunction with the local stakeholders under subparagraph (B), address all the information requested by the Secretary, and complete a comprehensive assessment of--

- (i) risk, including a--
  - (I) vulnerability assessment;
  - (II) threat assessment; and
  - (III) public health assessment, in coordination with the State bioterrorism plan; and
- (ii) capabilities and needs, including--
  - (I) an evaluation of current preparedness, mitigation, and response capabilities based on such assessment mechanisms as shall be determined by the Secretary;
  - (II) an evaluation of capabilities needed to address the risks described under clause (i); and
  - (III) an assessment of the shortfall between the capabilities described under subclause (I) and the required capabilities described under subclause (II).

(D) ADVISORY COMMITTEE-

- (i) IN GENERAL- Each State preparing a plan under this section shall establish an advisory committee to receive comments from the public and the local stakeholders identified under subparagraph (B).
- (ii) COMPOSITION- The Advisory Committee shall include local officials, local first responders, and emergency response providers that are representative of the counties, cities, and towns within the State, and which shall include representatives of rural, high-population, and high-threat jurisdictions.

(4) PLAN APPROVAL- The Secretary shall approve a plan upon finding that the plan meets the requirements of--

(A) paragraphs (2) and (3);

(B) the interim performance measurements under subsection (g)(1), or the national performance standards under subsection (g)(2); and

(C) any other criteria the Secretary determines necessary to the approval of a State plan.

(5) REVIEW OF ADVISORY COMMITTEE REPORT- The Secretary shall review the recommendations of the advisory committee report incorporated into a plan under subsection (d)(2)(N), including any dissenting views submitted by advisory committee members, to ensure cooperation and coordination between local and State jurisdictions in planning the use of grant funds under this section.

(e) Tentative Allocation-

(1) URBAN AREA SECURITY INITIATIVE GRANT PROGRAM-

(A) IN GENERAL- The Secretary shall allocate 25 percent of the funds appropriated under the Threat-Based Homeland Security Grant Program for discretionary grants to be provided directly to local governments, including multistate entities established by a compact between 2 or more States, in high threat areas, as determined by the Secretary based on the criteria under subparagraph (B).

(B) CRITERIA- The Secretary shall ensure that each local government receiving a grant under this paragraph--

(i) has a large population or high population density;

(ii) has a high degree of threat, risk, and vulnerability related to critical infrastructure or not less than 1 key asset identified by the Secretary or State homeland security plan;

(iii) has an international border with Canada or Mexico, or coastline bordering international waters of Canada, Mexico, or bordering the Atlantic Ocean, the Pacific Ocean, or the Gulf of Mexico; or

(iv) are subject to other threat factors specified in writing by the Secretary.

(C) CONSISTENCY- Any grant awarded under this paragraph shall be used to supplement and support, in a consistent and coordinated manner, those activities and objectives described under subsection (b) or a State homeland security plan.

(D) COORDINATION- The Secretary shall ensure that any grants made under this paragraph encourage multiple contiguous units of local government and mutual aid partners to coordinate any homeland security activities.

(2) STATE HOMELAND SECURITY GRANT PROGRAM-

(A) STATES- Each State whose application is approved under subsection (c) shall receive, for each fiscal year, the greater of--

(i) 0.75 percent of the amounts appropriated for the State Homeland Security Grant Program; or

(ii) the State's per capita share, as defined by the 2002 census population estimate, of 38.625 percent of the State Homeland Security Grant Program.

(B) INSULAR AREAS- Each insular area shall receive, for each fiscal year, the greater of--

(i) 0.075 percent of the amounts appropriated for the State Homeland Security Grant Program; or

(ii) the insular area's per capita share, as defined by the 2002 census population estimate, of 38.625 percent of the State Homeland Security Grant Program.

(3) SECONDARY DISTRIBUTION- After the distribution of funds under paragraph (2), the Secretary shall, from the remaining funds for the State Homeland Security Grant Program and 10.8 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program pursuant to subsection (j)(1), distribute amounts to each State that--

(A) has a substantial percentage of its population residing in Metropolitan Statistical Areas, as defined by the Office of Management and Budget;

(B) has a high degree of threat, risk, and vulnerability related to critical infrastructure or not less than 1 key asset identified by the Secretary or State homeland security plan;

(C) has an international border with Canada or Mexico, or coastline



bordering international waters of Canada, Mexico, or bordering the Atlantic Ocean, the Pacific Ocean, or the Gulf of Mexico; or

(D) are subject to other threat factors specified in writing by the Secretary.

(4) DISTRIBUTION OF FUNDS- If the amounts tentatively allocated under paragraphs (1) through (3) equal the sum of the amounts appropriated pursuant to subsection (j), the Secretary shall distribute the appropriated amounts based on the tentative allocation.

(5) PROPORTIONAL REDUCTION- If the amount appropriated for the Large High-Threat State Fund pursuant to subsection (j)(2) is less than 10.8 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program pursuant to subsection (j)(1), the Secretary shall proportionately reduce the amounts tentatively allocated under paragraphs (1) through (3) so that the amount distributed is equal to the sum of the amounts appropriated for such programs.

(6) FUNDING FOR LOCAL ENTITIES AND FIRST RESPONDERS- The Secretary shall require recipients of the State Homeland Security Grant to provide local governments and first responders, consistent with the applicable State homeland security plan, with not less than 80 percent of the grant funds, the resources purchased with such grant funds, or a combination thereof, not later than 60 days after receiving grant funding.

(7) SUPPLEMENT NOT SUPPLANT- Amounts appropriated for grants under this subsection shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this Act.

(8) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM-

(A) IN GENERAL- The Secretary shall designate not more than 25 percent of the amounts allocated through the State Homeland Security Grant Program to be used for the Law Enforcement Terrorism Prevention Program to provide grants to law enforcement agencies to enhance capabilities for terrorism prevention.

(B) USE OF FUNDS- Grants awarded under this paragraph may be used for--

(i) information sharing to preempt terrorist attacks;

(ii) target hardening to reduce the vulnerability of selected high value targets;

(iii) threat recognition to recognize the potential or development of a threat;

(iv) intervention activities to interdict terrorists before they can execute a threat;

(v) interoperable communication systems;

(vi) overtime expenses related to the State Homeland Security Strategy approved by the Secretary; and

(vii) any other terrorism prevention activity authorized by the Secretary.

(f) Report on Homeland Security Spending- Each recipient of a grant under this section shall annually submit a report to the Secretary that contains--

(1) an accounting of the amount of State and local funds spent on homeland security activities under the applicable State homeland security plan; and

(2) information regarding the use of grant funds by units of local government as required by the Secretary.

(g) Accountability-

(1) INTERIM PERFORMANCE MEASURES-

(A) IN GENERAL- Before establishing performance standards under paragraph (2), the Secretary shall assist each State in establishing interim performance measures based upon--

(i) the goals and objectives under subsection (d)(2); and

(ii) any other factors determined by the Secretary.

(B) ANNUAL REPORT- Before establishing performance measures under paragraph (2), each State with an approved State plan shall submit to the Secretary a report detailing the progress the State has made in meeting the interim performance measures established under subparagraph (A).

(2) NATIONAL PERFORMANCE STANDARDS-

(A) IN GENERAL- Not later than 1 year after the date of enactment of this Act, the Secretary shall set national performance standards based in part on the goals and objectives under subsection (d)(2)

and any other factors the Secretary determines relevant.

(B) COMPLIANCE- The Secretary shall ensure that State plans are in conformance with the standards set under subparagraph (A).

(C) ANNUAL REPORT- After the establishment of performance standards under subparagraph (A), each State with an approved State homeland security plan shall submit to the Secretary a report on the progress the State has made in meeting such standards.

(3) GENERAL ACCOUNTING OFFICE ACCESS TO INFORMATION- Each recipient of a grant under this section and the Department of Homeland Security shall provide the General Accounting Office with full access to information regarding the activities carried out under this section.

(4) AUDIT- Grant recipients that expend \$500,000 or more in Federal funds during any fiscal year shall submit to the Secretary an organization wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

(h) Remedies for Non-Compliance-

(1) IN GENERAL- If the Secretary finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this section has failed to substantially comply with any provision of this section, the Secretary shall--

(A) terminate any payment of grant funds to be made to the recipient under this section;

(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this section; or

(C) limit the use of grant funds received under this section to programs, projects, or activities not affected by the failure to comply.

(2) DURATION OF PENALTY- The Secretary shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this section.

(3) DIRECT FUNDING- If a State fails to substantially comply with any provision of this section, including failing to provide local governments with grant funds or resources purchased with grant funds in a timely fashion, a local government entitled to receive such grant funds or resources may petition the Secretary, at such time and in such manner

as determined by the Secretary, to request that grant funds or resources be provided directly to the local government.

(i) Reports to Congress- The Secretary shall submit an annual report to Congress that provides--

(1) findings relating to the performance standards established under subsection (g);

(2) the status of preparedness goals and objectives;

(3) an evaluation of how States and local governments are meeting preparedness goals and objectives;

(4) the total amount of resources provided to the States;

(5) the total amount of resources provided to units of local government; and

(6) a list of how these resources were expended.

(j) Authorization of Appropriations-

(1) THREAT-BASED HOMELAND SECURITY GRANT PROGRAM- There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) LARGE HIGH-THREAT STATE FUND- There are authorized to be appropriated 10.8 percent of the funds appropriated in any fiscal year pursuant to paragraph (1), which shall be used to carry out the Large High-Threat State Fund.

## **SEC. 7. ELIMINATING HOMELAND SECURITY FRAUD, WASTE, AND ABUSE.**

(a) Annual General Accounting Office Audit and Report-

(1) AUDIT- The Comptroller General of the United States shall conduct an annual audit of the Threat Based Homeland Security Grant Program

(2) REPORT- The Comptroller General of the United States shall provide a report to Congress on the results of the audit conducted under paragraph (1), which includes--

(A) an analysis of whether the grant recipients allocated funding consistent with the State homeland security plan and the guidelines

established by the Department of Homeland Security; and

(B) the amount of funding devoted to overtime and administrative expenses.

(b) Reviews of Threat-based Homeland Security Funding- The Secretary, through the appropriate agency, shall conduct periodic reviews of grants made through the Threat Based Homeland Security Grant Program to ensure that recipients allocate funds consistent with the guidelines established by the Department of Homeland Security.

(c) Remedies for Non-compliance- If the Secretary determines, after reasonable notice and an opportunity for a hearing, that a recipient of a Threat Based Homeland Security Grant has failed to substantially comply with any regulations or guidelines issues by the Department regarding eligible expenditures, the Secretary shall--

(1) terminate any payment of grant funds scheduled to be made to the recipient;

(2) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grant funds that were not expended by the recipient in accordance with such guidelines; or

(3) limit the use of grant funds received under the Threat Based Homeland Security Grant Program to programs, projects, or activities not affected by the failure to comply.

(d) Duration of Penalty- The Secretary shall apply an appropriate penalty under subsection (c) until such time as the Secretary determines that the grant recipient is in full compliance with the guidelines established by the Department of Homeland Security.

## **SEC. 8. FLEXIBILITY IN UNSPENT HOMELAND SECURITY FUNDS.**

(a) Reallocation of Funds- The Director of the Office for Domestic Preparedness, Department of Homeland Security, shall allow any State to request approval to reallocate funds received pursuant to appropriations for the State Homeland Security Grant Program under Public Laws 105-277 (112 Stat. 2681 et seq.), 106-113 (113 Stat. 1501A-3 et seq.), 106-553 (114 Stat. 2762A-3 et seq.), 107-77 (115 Stat. 78 et seq.), or the Consolidated Appropriations Resolution of 2003 (Public Law 108-7), among the 4 categories of equipment, training, exercises, and planning.

(b) Approval of Reallocation Requests- The Director shall approve reallocation requests under subsection (a) in accordance with the State plan and any

other relevant factors that the Secretary determines to be necessary.

(c) Limitation- A waiver under this section shall not affect the obligation of a State to pass through 80 percent of the amount appropriated for equipment to units of local government.

## **SEC. 9. CERTIFICATION RELATIVE TO THE SCREENING OF MUNICIPAL SOLID WASTE TRANSPORTED INTO THE UNITED STATES.**

The Secretary shall deny entry into the United States of any commercial motor vehicle (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste unless and until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau of Customs and Border Protection of the Department of Homeland Security to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in such waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport.

*END*

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