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FINAL REPORT
OF THE CITIZENS' CIVIL
EMERGENCY COMMISSION
ON THE STATUS OF
NUCLEAR CIVIL PROTECTION
PLANNING IN MAINE

APRIL 1985

MEMBERS:

Senator Thomas Andrews (Chair)
Senator Judy C. Kany
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STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333

May 1, 1985

Honorable John Diamond
Chairman
Legislative Council
State House
Augusta, ME 04333

Dear Rep. Diamond:

It is my pleasure to forward to you as required by 37-B MRSA §706 the final report of the Citizens' Civil Emergency Commission. The Commission has worked very hard over the past year, studying the status of nuclear attack related planning in Maine and preparing this report. We have held six public hearings around the state, which were attended by over 800 people, reviewed numerous studies, reports and other materials in both written and visual form and issued a preliminary report last April. We have discussed the Commission's work with public officials both in Maine and at the federal level; and we have received comments and responded to questions from private citizens in this state and in other states. In short, the issue of planning for the survival of nuclear attack is an issue of significant public interest both inside and outside the state.

In closing, I would like to acknowledge the hard work and dedication of the other members of the Commission without whom the Commission could not have accomplished its tasks.

If you have any questions please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Tom Andrews".

Senator Thomas H. Andrews
Chair

"The extreme danger to mankind inherent in the proposal (by Edward Teller and others to develop thermonuclear weapons) wholly outweighs any military advantage."

J. Robert Oppenheimer, et al.

Report of the General Advisory Committee, AEC

October 1949

"There is no issue more important than the avoidance of nuclear war. It is incredible for any thinking person not to be concerned with the issue. No species is guaranteed tenured life on this planet. We are privileged to be alive and to think. We have the privilege to affect the future."

Carl Sagan
November 1981

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I. INTRODUCTION

This Final Report of the Citizens' Civil Emergency Commission is submitted to the First Regular Session of the 112th Legislature, to the Governor and to other interested parties. P.L. 1983, c. 516, "AN ACT to Assure Public Awareness of Nuclear Civil Protection Plans for Maine" established the Commission and charged it to review civil protection plans designed to protect the civilian population from the effects of nuclear weapons attack on Maine, receive public input on those plans and report its findings and recommendations.

Members of the Commission were appointed and began their deliberations in late 1983. Members are Sen. Tom Andrews of Portland (Chair), Sen. Judy Kany of Waterville, Leslie Higgins of Bath, Dr. James Maier of Scarborough, Julian Orr of Stetson, Betsy Sweet of Augusta, and Barry Valentine of Portland.

The Commission held public hearings for 4 of the 7 designated High Risk Areas in Maine during March 1984 and issued a preliminary report in April 1984. The preliminary report outlined findings based on the Commission's deliberations and comments received at the public hearings and proposed an agenda for future Commission action. That agenda called for public hearings in 2 additional Risk Areas, further review of the emergency planning process and issuance of a final report.

This report outlines the Commission's actions following issuance of its preliminary report. Since April when the preliminary report was released, the Commission has held 2

additional public hearings, reviewed the federal and state framework, including levels of funding, for civil defense planning, considered the relationship between nuclear civil protection planning and national defense policy, assessed the effectiveness of nuclear civil protection planning, studied the history of civil defense planning in Maine, considered alternatives to the current practices and made findings and recommendations on future nuclear attack related civil protection planning.

II. COMMISSION RECOMMENDATIONS

As a result of its research, deliberations, discussions with State and local Civil Emergency Preparedness officials and testimony received at public hearings, the Commission recommends that:

Planning Component

1. Governor Brennan issue an executive order prohibiting the use of state personnel or funds for the development of nuclear attack civil protection plans. Such an order would reflect the strong public sentiment delivered to the Commission during its hearings.

2. The Integrated Management System of planning for all types of hazards be continued in Maine for the purpose of dealing with appropriate natural and man-made disasters such as floods, severe storms, toxic substance spills and nuclear power plant incidents. Again, this recommendation was strongly supported at the hearings.

3. Greater consideration be required during the development of integrated plans for public health concerns caused by various emergencies.

Educational Component

4. The Educational Clearinghouse on Nuclear Issues created by P. L. 1983, c. 739 not be limited to educators, but be expanded to make information available to the general public.

5. The role of the Information Exchange within the Department of Educational and Cultural Services in assembling sources of information on nuclear issues be continued.

6. The public relations advertising effort of the Information Exchange within the Department of Educational and Cultural Services be expanded to encourage wider discussion of nuclear issues.

7. The Department of Education and Cultural Services, through its Instructional Support Group program, contract to develop and disseminate curriculum materials on nuclear war and conflict resolution and to provide technical assistance for their use in the public schools.

8. The Governor require the Bureau of Civil Emergency Preparedness, through its Emergency Management Training Program for Local Officials, to use any available funds to educate those officials about the risks of nuclear war for assistance in making their decisions on nuclear civil protection planning. A number of volunteer groups such as Physicians for Social Responsibility, Educators for Social

Responsibility, and Lawyers Alliance for Nuclear Arms Control exist and their services should be used in such training.

9. The Commission send a copy of this report with a cover letter explaining the civil emergency planning process, the planning options available to municipalities and the implications of exercising those options to local officials involved in emergency planning.

Administrative Component

10. More meaningful notice be given of the intent to adopt or amend civil emergency plans at the State, county and local level and public hearing be held prior to adoption of such plans. (See copy of legislation at Appendix A.)

11. The Commission not be continued beyond its statutory termination date of June 30, 1985.

III. PUBLIC HEARINGS

During its year of existence, the Commission's activities can be classified into 4 stages. First, were organizational and information gathering activities in preparation for the 4 public hearings required by P. L. 1983, c. 516. The second stage was the holding of those public hearings, assessing public comments and the development of a preliminary report issued in April 1984. The third stage consisted of the carrying out of the agenda which the Commission set for itself in the preliminary report, including holding 2 additional

public hearings. The fourth stage is the issuance of this final report of the Commission.

A. Preliminary Hearings

The first 2 stages were discussed in detail in the preliminary report. The Commission wishes to thank the hundreds of citizens and public officials who contributed their ideas for consideration by the Commission during the public hearings. In summary, the Commission findings following the first 4 hearings were:

1. There is a significant amount of public interest in nuclear civil protection planning in Maine.

2. Information on existing nuclear civil protection plans is not readily available to the public.

3. The great majority of people attending the public hearings were opposed to nuclear civil protection planning.

4. The risk posed by nuclear attack is significantly different from the risk posed by other natural and man-made hazards.

5. Many people object to spending money on nuclear civil protection planning, whether as part of either a hazard specific or a comprehensive planning approach.

The Commission conducted a non-binding poll of those who attended the first 4 public hearings to determine whether they agreed or disagreed with the concept of planning for a nuclear attack on their area. Of the nearly 700 people who attended the hearings, 628 cast ballots in the non-binding poll. With the exception of Presque Isle, the vote results were overwhelmingly against nuclear attack

related civil protection planning. The vote result in Presque Isle also opposed planning, but by a much narrower margin. The overall poll results were: 538 (85.5%) opposed to the plans, 72 (11.4%) in favor of the plans and 18 (3%) undecided.

B. Testimony at the Machias and York Public Hearings

As part of its agenda for action outlined in its preliminary report, the Commission recommended holding additional public hearings for the Cutler and Kittery Risk Areas. The Commission made that recommendation for 2 reasons. First, to provide citizens in those areas information on the status of nuclear emergency planning. Indeed, several people commented on the need for additional hearings in those areas during the first round of 4 public hearings. Secondly, the Commission saw the 2 additional public hearings during the fall as an opportunity to elicit reaction to tentative recommendations which the Commission was beginning to develop for presentation to the Legislature and the Governor. Accordingly, public hearings were held in Machias on October 4 and in York on October 9.

Testimony at the Machias and York hearings included many of the arguments, pro and con, regarding crisis relocation planning (CRP) that the Commission had heard at earlier public hearings. In addition, a number of individuals commented on the tentative recommendations of the Commission which were presented during these latter 2 hearings. In particular, comments focused on the nature of any educational efforts that

might be undertaken by redirecting funds from the BCEP training budget.

The opponents who testified focused on several points. The fundamental difference between nuclear war and other natural or man-made disasters was stressed by some speakers who are alarmed that the risk of nuclear war may be considered just one of many disasters under the Integrated Emergency Management System (IEMS) planning approach currently favored by the federal government. In the words of Nancy Nielsen, of Machias, the risk of nuclear attack is "not just another blizzard." Retired USAF Col. Charles Gillis eloquently pointed out that the dramatic change in nuclear weapons technology over the past 10 years has made nuclear civil protection planning obsolete.

Other speakers stressed the technical difficulties inherent in plans to relocate the population during time of nuclear crisis. Some pointed out the difficulty of evacuating relatively large numbers of residents from the risk areas. Virginia Arbuckle of York commented on her discussion with selectmen and police there who concurred that "If we have to go through Ogunquit (which York residents would have to do), we'll never make it." Still others commented on the inability of the host communities to support the evacuees. "There's a lot of room in Washington County but not much to feed them," observed John Bagley, of East Machias.

Some opponents questioned the assumptions on which the plans are based, namely, that there would be adequate warning time to implement the plans and that the population would

cooperate. As at earlier hearings, a number of individuals expressed their intention to drive right to ground zero rather than evacuate.

The provocative nature of implementing a crisis relocation plan at a time of heightened international tensions was also pointed out.

The proponents of nuclear civil protection planning were drawn largely from the ranks of those who actually participated in drawing up the plans. Several planners commented about the need to proceed with the planning even if only a few lives might be saved. The fact that many other countries, including the Soviet Union, China, Switzerland, Germany and Czechoslovakia, have existing and possibly superior plans to ours was cited as a reason to persevere. Charles Harris of York and others spoke of the importance of volunteers to the civil defense effort and how much could be accomplished by one committed individual.

Some were concerned that the recommendations of the Commission were an attack on CEP in general, or an attempt to dismantle all disaster planning. Commission members took time to explain clearly that this was not the case; that the Commission had heard unanimous support everywhere for CEP efforts for disaster planning other than nuclear war; and that the Commission's recommendations had been designed not to jeopardize FEMA funding for natural and most man-made disasters.

By far the majority of speakers in both Machias and York who offered comments and suggestions about the proposed recommendation of educational efforts to prevent nuclear war,

were strongly in favor of those recommendations. These speakers accepted the Commission's reasoning that there can be no meaningful survival; that the only effective defense or preparation for nuclear war is prevention; and that education is the key component of a preventive effort. However, they wished to see the content of that education broadened from the effects of nuclear war, as described in the recommendations, to a more comprehensive attempt at peace education. Ben Baxter, a biologist and carpenter in Machias called for peace studies "to get in the frame of mind where we can conceive of not having a war -- a whole new style of thinking." Peter Richardson, a Kennebunk minister expressed concern that children are already aware that "survival from a nuclear war is fantasy," yet they are exposed to Maine Bureau of Civil Emergency Preparedness/FEMA curriculum materials that misleadingly imply otherwise. (FEMA has developed school curriculum guides which are available for school systems in the State and which the Commission agrees are misleading.) He mentioned use of materials prepared by Educators for Social Responsibility which teach conflict resolution and understanding cultural differences, and asked that a state agency review all curriculum materials on this subject and make recommendations that would be appropriate for students of various age levels.

A number of individuals contributed books, curriculum guides, journals, ideas and other materials to be considered in the phase of designing educational curricula with the goal of working to prevent nuclear war.

C. Summary of Poll Results

The Commission, as at the earlier hearings decided to conduct an informal poll of those who attended the Machias and York hearing. The questions posed were slightly different at the last two hearings. To determine whether those in attendance favored the new Integrated Emergency Management System of multiple hazard planning, questions were included on that issue. Overwhelmingly, at both Machias and York (25 to 4 at Machias and 47 to 7 at York), those responding said they favored multiple hazard planning excluding nuclear attack. Apparently this reflects a feeling that nuclear attack is a significantly different kind of hazard; one for which planning is futile.

A question was also included to determine support of the Commission's tentative recommendation to create an educational program on the effects of nuclear war. That was supported 41 to 2 at Machias and 52 to 7 at York.

In all, about 70 people attended the Machias hearing and 80 the York hearing. That brings the total attendance at the 6 public hearings to nearly 850 -- in the opinion of the Commission this constitutes a significant showing of interest in the issue of nuclear civil protection planning for Maine.

IV. COMMISSION DELIBERATIONS AND FINDINGS

A. National Defense Policy and Nuclear Civil Protection Planning.

When the Commission began its review of the status of nuclear emergency planning for Maine a year ago, it quickly

became clear that this is an area governed largely by federal law, with state and local governments responsible for implementation of the federal law in cooperation with the Federal Emergency Management Agency (FEMA). That situation is consistent with the view that nuclear civil protection planning is a component of overall national defense policy. The actual civil emergency planning, however, is done at the State and local levels. The State Bureau of Civil Emergency Preparedness coordinates the planning effort in Maine according to FEMA guidelines. In return, the federal government funds the bulk of the State and local planning effort.

Planning for defense against nuclear attack was an important issue during the first decades of the atomic age. As Americans became aware of the enormous destructive power of nuclear weapons in the 1940's, 1950's and early 1960's, they came to fear the ever increasing possibility of nuclear war. The national debate at that time became how best to respond to the nuclear challenge of our cold war opponents. A strong military (including a nuclear arsenal) was one component of national defense policy developed during that time. The concept of mutually assured destruction (MAD) which resulted from the wholesale pursuit of nuclear military capability by both sides was the basic building block of foreign policy. At the same time, there was a call to establish a civil defense program for protection, if deterrence based on MAD failed.

Since 1950, nuclear civil protection planning has been characterized both by fluctuations in amount of emphasis given to it by top government strategists and by changes in the

approach advocated by the planners. At various times, the federal government has proposed in-place sheltering (IPS) or population evacuation (known as crisis relocation planning - CRP) or a combination as a means of planning for nuclear attack. Each planning approach has met with criticism questioning its effectiveness. Whenever that criticism intestified, the federal planners retreated from their current position and shifted to the alternative approach which the states and municipalities were then ordered to carry out.

The survival of nuclear civil protection planning despite convincing arguments against its workability in its various forms indicates the importance attached to it by the federal government. Although it has never received the kind of support that the building of the national defense arsenal has, a significant amount of money has been spent and energy devoted to the planning effort over the last 35 years. From the perspective of top government military policymakers, such plans appear to serve 2 purposes: First, they are considered to be a useful bargaining chip -- an indication of national resolve to resist foreign aggression or "nuclear blackmail." Second, such plans may be viewed as providing a sense of security to the American public, thereby reducing the public's inclination to question overall defense policy, including the use of nuclear weapons.

The FEMA budget proposed for FY is an example of the fluctuation in funding support for civil defense planning. After several years at a stable level the proposed budget for next year contains a substantial 1/3 cutback in civil defense

planning funds. So while the proposed federal budget contains funds for construction of offensive nuclear weapons and "Star Wars" defense research, a cutback to the 1981 level is proposed for CEP. However, the textual explanation accompanying the budget proposal contains language which might be interpreted as anticipating a future revival of spending for civil defense.

"Beginning in 1983, FEMA requested funds for the first year of a substantially enhanced Civil Defense Program, a program that would have included meaningful population protection in the event of attack on the United States. Because this element of the multi-year program was contested, FEMA's efforts over three years to obtain large increases for the program resulted in funding for only modest real growth. The program has been reduced in 1986 to a minimum level. During this time, we will continue to review the program and its elements. We, thus, regard 1986 as a maintenance year while we address the problems of public policy involved in the Civil Defense Program."

B. Effectiveness of Nuclear Civil Protection Planning

The Commission received ample testimony during each of its public hearings detailing why nuclear civil protection plans (especially crisis relocation plans) cannot work, in either the short or long term. Based on our study and the testimony presented at the hearings, the Commission feels that CRP plans are based on a number of assumptions that are unrealistic both in the short term sense of surviving the initial attack and in the long term sense of post-attack survival. Survival of the initial attack is based on (1) having notice of several days to one week to allow evacuation of all risk areas, (2) the existence of the technical and logistical capacity to evacuate millions of people all across the country from congested population centers to host areas sometimes hundreds of miles away, (3) the voluntary and orderly compliance of millions of

people (including key workers who must stay behind in the risk areas), (4) the ability to construct or adapt adequate shelters in the host areas for the evacuees within one or two days, (5) the availability of adequate food, water, medicine, waste disposal facilities and ventilation for all evacuees and regular residents of the host areas for several weeks, (6) the existence of functioning command, control and communications systems, and (7) the presumption that the other side won't view the commencement of mass evacuation of risk areas as a provocative act and attack right away.

Traditional evacuation plans have tended to focus on the short term survival from nuclear attack and assumed that society would shortly return to pre-attack conditions. The Commission questions that assumption, especially in the case of an all out nuclear attack. It seems to us and to many others who have studied the subject that the economic and social structure would be so badly damaged by nuclear war that society as we know it might not recover. There would be a critical lack of an "outside world" which has always been available previously to aid in recovery from disaster. Furthermore, the long term medical impact of nuclear war on the health of the population might also prevent recovery and indeed threaten species survival. Some commentators feel that the psychological effects on the initial survivors of a nuclear war would be so devastating that they would not wish to go on living even if it were otherwise possible. Beyond these arguments, the question of synergistic or cumulative actions of famine, disease, pestilence, radiation sickness, and massive

psychic trauma compounding the effects of nuclear war have been raised as problems by health experts.

As damaging as the above arguments are to the feasibility of planning for nuclear war, even more compelling evidence has come to light recently. That evidence was presented to the world in October 1983 during the Conference on the World After Nuclear War at which leading atmospheric scientists and biologists presented their findings on the environmental impact of nuclear war. Those findings were based on studies conducted over the previous year and a half. Policy statements were banned at the conference; the speakers were to focus only on the stark facts. The data presented an image of an unlivable world following nuclear attack -- a world in which months of sub-freezing darkness caused by dust and smoke in the atmosphere blocking the sun would devastate world ecosystems.

"Nuclear winter" was the term coined to describe the climatic and biological effects of nuclear war. Those scientists and a growing number of their colleagues around the world believe that even a limited nuclear exchange would trigger a disastrous ecological reaction and that a full-scale nuclear war might mean the extinction of many species, including man. The study draws on pioneering research in a number of fields and is based on many scientific models, simulations, and projections.

The findings of the original group of scientists (presented in a study called TTAPS for its authors: Richard P. Turco, Owen B. Toon, Thomas P. Acherman, James B. Pollock, and Carl Sagan) are hypothetical. Of course, they will remain so unless tested

under conditions of an actual nuclear attack at which time discussion of their validity would be irrelevant. Nevertheless, those findings have, in the last year, been confirmed by workers in Europe, the U. S. and the USSR, including a recently completed study by the National Academy of Scientists which was commissioned by the Defense Department.

The Commission feels such arguments point out the fallacy of trying to plan for nuclear attack and that such planning constitutes a cruel hoax against the public by the federal government. Because such plans are viewed as useful to overall defense policy their existence is seen as necessary by the government. Once in existence, they are held out to the public as viable and reassuring when, in fact, for all the reasons cited by their critics they are not workable.

C. Civil Defense Planning in Maine

Maine has 7 areas designated as High Risk Areas by FEMA. Nationally there are 406 designated High Risk Areas. Designation is based on, in descending order of priority, the existence in a community of: military installations (Category I), military support facilities or basic industries (category II) or population concentrations of 50,000 or more (category III). The High Risk Areas in Maine are:

Category I:	Limestone
	York
Category II:	Cutler
	Bath-Brunswick

Category III:

Portland

Bangor

Lewiston-Auburn

Beginning in 1978, at the direction of the federal government, work began in Maine on the development of civil protection plans for each High Risk Area. Those plans were to consist of 2 elements: crisis relocation plans designed to relocate the populations of High Risk Areas to designated host areas prior to nuclear attack, and in-place shelter plans for use when evacuation was not possible. Work proceeded on the plans until 1983. At that time, the plans were in various stages of completion, e.g., the Bath-Brunswick Risk Area plan was complete; the Portland Risk Area plan had barely been started.

In 1983, again at the direction of the federal government, work on the plans ceased. Apparently as a result of considerable national public opposition to the development of such plans, FEMA decided to stop development of hazard specific plans, i.e., nuclear civil protection plans. At the same time, FEMA decided to emphasize planning for multiple hazards and the development of generic plans to cover all significant hazards (including nuclear attack).

The new planning approach is called the Integrated Emergency Management System (IEMS). Its avowed goal is to develop and maintain a credible emergency management capability by planning along functional lines for all types of hazards.

IEMS planning consists of 3 sequential steps: (1) analyses of the hazards and the magnitude of risk they present, (2) assessment of the existing and required capabilities to deal with those hazards, and (3) establishment of plans to provide the required level of capability for handling an emergency caused by the hazards. The hazards analysis has been completed in Maine. Until the final IEMS plans are finished, the existing nuclear civil protection plans remain in effect.

The Commission feels the IEMS approach has much to recommend it -- it seems an efficient use of time, effort and facilities and can be tailored to meet local hazard assessments. We do, however, have several concerns with the new approach. The first is a concern inherent in the design of the IEMS process. As mentioned above, the initial planning step is to assess hazards. It would be difficult for the citizens of a community in or near a High Risk Area not to assess the possibility of nuclear attack as a significant hazard. In fact, the most recent FEMA workbook on hazard analysis for local CEP officials, while allowing local officials to indicate "Yes" or "No" in answer to the question "Is this hazard a significant threat to your jurisdiction" for all other hazards, does not permit that option for the risk of nuclear attack. The workbook contains the following language for nuclear attack. "No jurisdiction can be considered safe from the effects of a nuclear attack on the United States. Even areas that do not contain likely targets could be affected by radioactive fallout and should plan to protect their resident and expected evacuee population from the hazard."

That being so, the structure of the planning process forces that community to include nuclear attack among the hazards to be planned for. The Commission is concerned that there is no opportunity for a community to reject the idea of planning to survive a risk for which it feels there can be no survival. During the course of its study the Commission has received comments from several local officials, town officers, police personnel, planners, etc. on their confusion about or frustration with the civil emergency planning process, particularly as it relates to nuclear attack planning. One of the Commission's responsibilities which we take very seriously is to report to local officials. On this point, the Commission will prepare and distribute to local officials a copy of this report and a concise explanation of the planning process, including the options available to local officials and the implications of exercising these options.

Secondly, the Commission is fearful that under later stages of the IEMS planning process the specificity of planning will be found lacking and more detailed planning will be required by the federal government to deal with nuclear attack because it is clearly a different type of risk than the others i.e., flood, storm or fire. The Commission feels the IEMS process should not be used as a guise for the return to hazard specific nuclear attack related crisis relocation planning. To deal with these concerns, the Commission is recommending that Governor Brennan issue an executive order prohibiting the State from spending money on CRP to be used in the event of threat of nuclear attack.

The third concern with the IEMS process is the quality of planning being done. The Commission feels planning for the protection of the population in the event of natural and appropriate man-made disasters is of great importance. Our public hearings indicate that opinion is widely supported by the public. Integrated planning for multiple hazards appears, at this point, to be broad and general in nature. Disasters such as severe storms, chemical explosions and fires and toxic spills have been prominent in the news recently, both abroad and in this country. Frequently, the civil emergency plans to deal with such disasters have been lacking in the specificity and coordination of responsibilities necessary to save lives. Our concern is that IEMS plans for Maine may never be developed to the degree necessary to deal with hazards as diverse as a flood of several major rivers, a severe winter storm blanketing the whole state, or a bad toxic spill on a major artery in Portland. A complete examination of the IEMS process is beyond the scope of this Commission's assignment, however, we are making one specific recommendations in that area. The recommendation is that in the development of civil emergency plans, specific consideration be given to the public health problems created by the emergencies being planned for. In addition, we feel that future legislatures and administrations may wish to consider an in-depth examination of the integrated plans as they are developed and refined.

D. Educational Efforts

The Commission feels broad dissemination of information on the short and long term consequences of nuclear war is necessary. The more information that is available from all points of view, the more informed the debate and decisions can be. An affirmative education program is necessary. Something more than merely making the information available will be required. After all, the information is generally available in books, journals and articles for those who wish to seek it out. The education component which the Commission is recommending will expand the sources of information available to teachers, local officials and citizens and provide technical assistance on their use.

The Educational Clearinghouse on Nuclear Issues created by P.L. 1983, c. 739 was an important step in the right direction. The Clearinghouse was limited to public elementary and secondary schools, however. In order for the issues to be discussed on the broadest possible level, the scope of the Clearinghouse should be expanded to provide information to the general public.

Within the Department of Educational and Cultural Services, the Clearinghouse role is being performed by the Information Exchange. The Commission was very impressed with the performance of the Exchange and heartily recommends that the Exchange program be continued and encouraged to advertise the services it can provide. Although federal funds for the Exchange are being cut back this year, the Commission understands that the Commissioner of Educational and Cultural

Services has included funds for its continuance in his budget request. The Commission supports that request and recommends that the Legislature approve it.

Recent studies and considerable testimony at Commission hearings demonstrate that the threat of nuclear war has had a significantly adverse impact on the emotional lives of school children in the U. S. and other countries. Commission member, Dr. Jim Maier, a board certified child psychiatrist, discussed with the Commission the concept that thoughtfully designed age appropriate school curricula could be used to provide the tools young people need to confront their fears and learn what they can do to try to change the circumstances that are causing those fears. The Commission supports that concept. At younger grade levels, where direct presentation of nuclear war issues is inappropriate, educational materials could include ideas about conflict resolution and understanding cultural differences.

Because of the need for accurate information on this subject and the sensitive nature of the audience, the Commission feels that educational professionals in the DECS should be used to develop the curricula and to provide technical assistance for their implementation. Currently the Department of Educational and Cultural Services has a program called Instructional Support Groups (ISG). In that program, the department contracts with local school teachers for periods of one or two years to provide curriculum development services and technical assistance to local units. The Commissioner has agreed to include in his budget request an additional ISG

position to coordinate age-appropriate curriculum development on the effects of nuclear war and conflict resolution and to assist schools in implementing such programs. We urge the Governor to include the request in his budget and recommend that the Legislature approve it.

E. Public Participation in Nuclear Civil Protection

Planning

There is significant public interest in Maine on the issue of nuclear civil protection planning. That interest is evidenced by over 800 people who attended our public hearings, by the distances traveled to testify, the amount of testimony offered and the number of letters and calls the Commission and staff have received. However, at the public hearings the Commission received testimony that many people were not aware of the development of civil protection plans for their communities. The conclusion that the Commission has drawn is that inadequate notice is given to the general public regarding adoption of civil defense plans or that insufficient opportunity to comment is provided.

Since ostensibly civil defense planning is done at the local level, the Commission feels that public input by citizens is critical. The Commission recommends legislation that will provide more meaningful notice of the intent to adopt civil emergency plans and opportunity to participate by interested persons.

F. Continuation of the Commission

The law creating the Commission called for the Commission to make recommendations on whether it should be continued

beyond its termination date of June 30, 1985, in order to further study nuclear attack related civil protection planning or to examine planning for other types of hazards. The Commission was established initially to review nuclear attack related civil protection planning in Maine. We have completed that task with this report.

At this point, the Commission feels that, with the implementation of the Commission's recommendations, the IEMS process as it pertains to nuclear attack related civil protection planning would be satisfactory and that there would be no need for the Commission to continue beyond its termination date of June 30, 1985. However, should the planning emphasis shift back, at any time, to hazard specific planning for nuclear attack, our feelings would be different. Finally, we have not examined the IEMS process as administered in Maine with respect to its effectiveness in dealing with other types of emergencies and make no findings on its effectiveness in those situations. Future legislatures may wish to review civil emergency protection planning further.

G. Commission Findings

As a result of its year long deliberations, the Commission makes the following findings on which its recommendations (see p. 21) are based:

Finding #1: Past national defense policy has placed great reliance on plans for relocating the civilian population in anticipation of nuclear attack.

Finding #2: There are several persuasive arguments on the unworkability of nuclear attack civil protection plans in both

the short and long term, including the recent findings on the nuclear winter that would be triggered by a nuclear war.

Finding #3: Civil emergency preparedness plans to deal with natural disasters and most technological disasters (nuclear power plant incident, toxic spill, chemical fire, etc.) make sense for Maine and are strongly supported by its citizens. Close attention should be paid by State and local government and citizens to assure that CEP plans contain appropriate specificity and coordination to deal with those hazards.

Finding #4: Development of elaborate nuclear civil protection plans (like the old crisis relocation plans or as part of enhanced comprehensive plans) to be used in the event of nuclear attack makes no sense and is a waste of time and resources which could be used in other planning efforts.

Finding #5: Current civil emergency preparedness planning under the IEMS approach includes reference to nuclear attack as a hazard but does not emphasize planning for it as in the previous hazard-specific plans. However, the Commission is concerned that there may be a future reemphasis on nuclear civil protection planning, including crisis relocation. Nuclear attack related civil protection planning should not be included in civil emergency preparedness planning because it is dangerous, deceptive and costly.

Finding #6: National defense policy is misdirected in its emphasis on nuclear weapons capability. One key to bringing about change in that policy in order to prevent the testing,

development and deployment of nuclear weapons which could lead to the occurrence of nuclear war is education on the effects of nuclear attack.

Finding #7: There is significant interest in increasing educational efforts describing the effects of nuclear attack as a means of pointing out the futility of developing nuclear CEP plans and of continuing to expand nuclear arsenals.

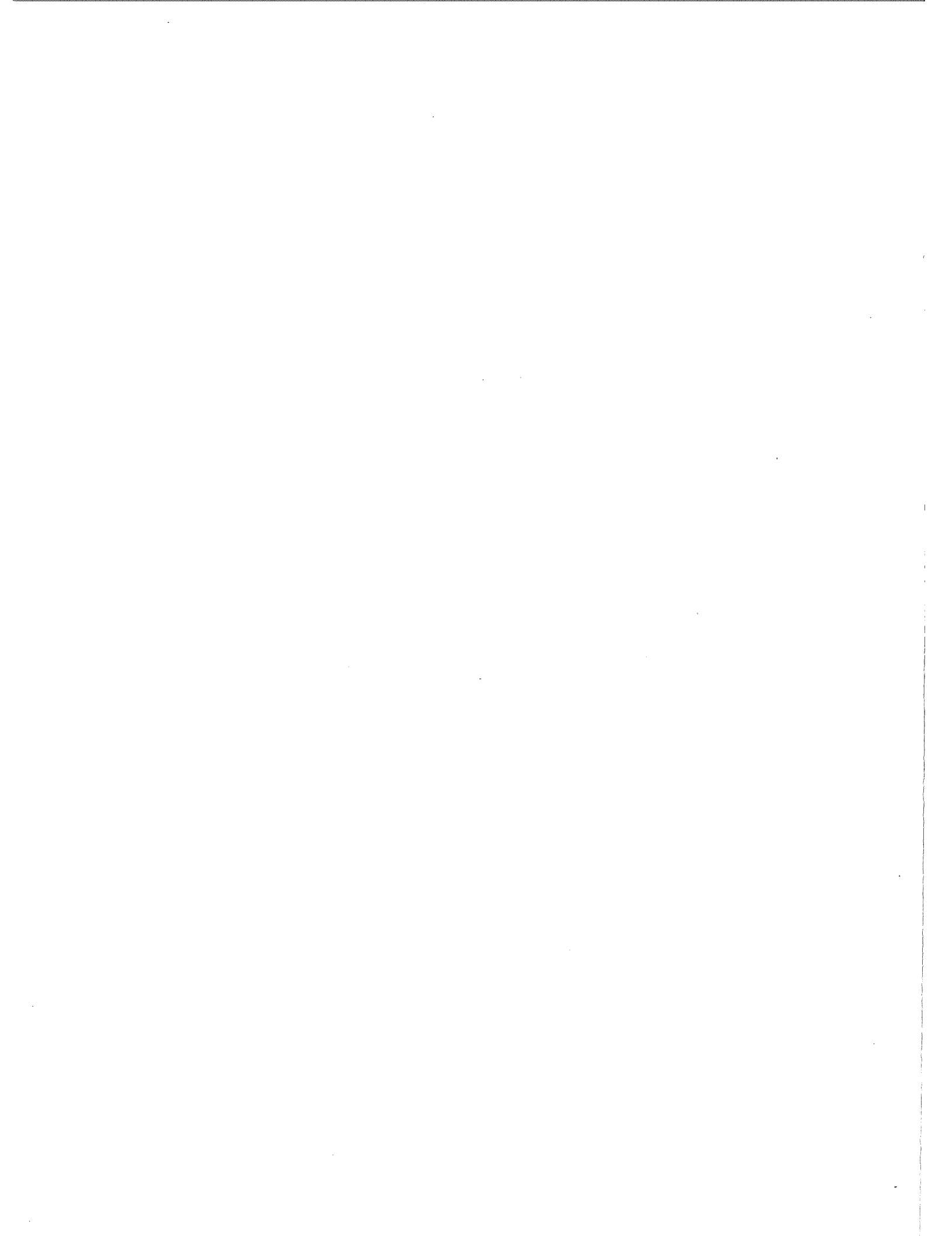
Finding #8: The public has not been given adequate notice and opportunity to participate in the development of civil emergency plans in the past.

Finding #9: Most emergencies covered by the IEMS planning process, although not reaching the level of nuclear attack, pose significant public health hazards. It is not clear under current law and regulations that those public health concerns are receiving adequate consideration in the planning process.

0221

C:1472

APPENDIX A
SUGGESTED LEGISLATION



FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY FIVE

AN ACT to Amend the Nuclear Issues Clearinghouse Law.

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

Sec. 1. 20-A MRSA §254, sub-§7, ¶A is amended by adding a new sub-¶ (5) reading:

(5) strategies and techniques for resolution of conflict.

Sec. 2. 20-A MRSA §254, sub-§7, ¶C is amended as follows:

C. On request of a school administrative unit or private school, disseminate or loan the information and materials developed in paragraphs A and B to public schools, private schools, adult education programs, colleges and universities, and private citizens and civic organizations, and provide indirect consultation and referral services to teachers, administrators, students and adult education programs in the school unit or private school;

Sec. 3. 20-A MRSA §254, sub-§7, ¶E is enacted to read:

E. Provide for the development of age-appropriate curriculum programs using the materials developed in paragraph A and B and provide technical assistance to public and private schools wishing to implement those programs.

STATEMENT OF FACT

This bill is recommended by the Citizens' Civil Emergency Commission as a result of its study of nuclear civil protection planning in Maine. Current law has established a clearinghouse in the Department of Educational and Cultural Services for the collection of informational materials on nuclear issues. The bill expands the scope and availability of information on nuclear issues collected by the Department of Education for the nuclear issues clearinghouse. Information on conflict resolution is added to the list of information to be collected and the information is to be available to colleges, universities and private citizens and groups. The current law limits availability to elementary and secondary schools. This bill also requires the Department to develop age-appropriate curricula using the informational materials collected and to provide technical assistance to schools wishing to implement that curricula.

One of the most consistent themes which the Commission heard at the 6 public hearings it held around the state last year was the need for educational programs and materials, on nuclear issues and conflict resolution. This bill addresses that concern.

DE/1k/1658

FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY FIVE

AN ACT to Provide for Public Participation and to
Address Public Health Concerns in the Development
of Emergency Plans.

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

Sec. 1. 37-B MRSA §702 is repealed and replaced as follows:

§702. Policy

It is the policy of the State:

1. Coordination. That all emergency preparedness functions be coordinated to the maximum extent with the comparable functions of the Federal Government, including its various departments and agencies, of other states and localities, and of private agencies so that the most effective preparation and use may be made of the nation's manpower, resources and facilities for dealing with any disaster which may occur.

2. Public participation. That adequate notice and opportunity to comment be given to the public prior to adoption of civil emergency plans at the State, county and local level. Compliance with sections 741, sub-§3, ¶B and 783 shall constitute adequate notice and opportunity to comment.

Sec. 2. 37-B MRSA §704 is amended by adding a new 4th ¶ reading:

The director is responsible for implementing the policies expressed in §702 during the development of civil emergency plans at the State level and for advising county, municipal, regional and interjurisdictional officials on the implementation of those policies during the development of local plans.

Sec. 3. 37-B MRSA §741, sub-§3, ¶B is amended as follows:

B. Prepare a comprehensive plan and program for the civil emergency preparedness of this State. That plan and program shall be integrated into the coordinated with the civil emergency preparedness plans of federal agencies and with the plans of other states and foreign countries, and their political subdivisions, to the fullest possible extent;. A public hearing shall be held prior to adoption or amendment of that plan or program. The purpose of the public hearing shall be to explain the contents of the plan or program proposed for adoption or amendments and to elicit public comments on the proposal. All comments received shall be considered. The public hearing shall be held in the evening at a convenient time and place. At least 20 days prior to the public hearing, notice shall be published in newspapers of general circulation in this State. A second notice shall be published in the same papers no more than 10 days before the hearing;

Sec. 4. 37-B MRSA §783 is amended by adding 2 new paragraphs at the end reading:

Each municipal, interjurisdictional, county and regional civil emergency preparedness agency, as part of the development of a disaster emergency plan for the area subject to its jurisdiction, shall hold a public hearing prior to adoption or amendment of a final plan. The purpose of the public hearing shall be to explain the contents of the proposed plan or amendment and to elicit public comments on the proposal. The agency shall consider all comments received in making its decision to adopt a final plan. The public hearing shall be held in the evening at a convenient time and place in the area subject to the jurisdiction of the plan.

At least 20 days prior to the public hearing on a plan, the municipal, interjurisdictional, county or regional civil emergency preparedness agency shall publish notice of the public hearing in a newspaper of general circulation in the area subject to the jurisdiction of the plan and shall publish a 2nd notice in the same paper no more than 10 days before the hearing.

STATEMENT OF FACT

This bill is the result of the study of nuclear civil protection planning in Maine by the Citizens' Civil Emergency Commission. The Commission found that planning for appropriate natural and man-made disasters is a vital and important governmental function. The Commission found that many people are unaware of the development and contents of emergency plans affecting them and this property. The bill would require a public hearing to be held prior to adoption of a civil emergency protection plan and notice to be published prior to the public hearing.

DE/lk/1699