



# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1672

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S.P. 650

In Senate, January 8, 2014

### An Act To Amend Maine's Emergency Management Laws

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Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator PLUMMER of Cumberland.  
Cosponsored by Representative WILSON of Augusta and  
Senators: BURNS of Washington, GERZOFKY of Cumberland, Representatives:  
BEAULIEU of Auburn, MARKS of Pittston.

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

2 **Sec. 1. 12 MRSA §8904**, as enacted by PL 1979, c. 545, §3 and amended by PL  
3 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

4 **§8904. Coordinating protective agencies**

5 The director shall formulate emergency plans of action to establish staffing pools,  
6 equipment reserves, facilities for feeding, transportation and communication on forest  
7 fires. In preparing the plan, other agencies and organizations having needed facilities  
8 should be contacted, such as fire chiefs, ~~civil defense~~ emergency management units, the  
9 American Red Cross, sheriffs, the American Legion, the State Police, the Maine National  
10 Guard, the Department of Transportation, the Department of Inland Fisheries and  
11 Wildlife, the State Grange, colleges, the Civil Air Patrol and any other protective group  
12 as determined by the director. Whenever or wherever a major forest fire occurs or  
13 threatens, the bureau ~~shall be~~ is the coordinating agency until the Governor declares an  
14 emergency.

15 **Sec. 2. 22 MRSA §1706**, as amended by PL 1975, c. 771, §216, is further  
16 amended to read:

17 **§1706. Distribution of antitoxins in emergency**

18 The department, with the approval of the Governor, may, for the purpose of aiding in  
19 national defense in case of war or in any state emergency declared by the Governor under  
20 ~~the Civil Defense Law Title 37-B, section 742,~~ procure and distribute ~~within~~ inside the  
21 State, and sell or give away, in its discretion, antitoxins, serums, vaccines, viruses and  
22 analogous products applicable to the prevention or cure of disease ~~of man~~.

23 **Sec. 3. 24-A MRSA §2813, sub-§6**, as enacted by PL 1969, c. 132, §1, is  
24 amended to read:

25 **6.** Under a policy or contract issued to any volunteer fire department, or first aid,  
26 ~~civil defense,~~ emergency management or other such volunteer organization, which ~~shall~~  
27 be is deemed the policyholder, covering any group of members or participants defined by  
28 reference to specified hazards incident to an activity or activities or operations sponsored  
29 or supervised by ~~such~~ the policyholder.

30 **Sec. 4. 29-A MRSA §2054, sub-§2, ¶C**, as amended by PL 2011, c. 448, §2, is  
31 further amended to read:

32 C. The use of amber lights on vehicles is governed by the following.

33 (1) A vehicle engaged in highway maintenance or in emergency rescue  
34 operations by ~~civil defense~~ emergency management and public safety agencies  
35 and a public utility emergency service vehicle may be equipped with auxiliary  
36 lights that emit an amber light.

37 (1-A) A Department of Labor motor vehicle operated by a workplace safety  
38 inspector may be equipped with auxiliary lights that emit an amber light.

- 1 (2) A wrecker must be equipped with a flashing light mounted on top of the  
2 vehicle in such a manner as to emit an amber light over a 360` angle. The light  
3 must be in use on a public way or a place where public traffic may reasonably be  
4 anticipated when servicing, freeing, loading, unloading or towing a vehicle.
- 5 (3) A vehicle engaged in snow removal or sanding operations on a public way  
6 must be equipped with and display an auxiliary light that provides visible light  
7 coverage over a 360` range. The light must emit an amber beam of light and be  
8 equipped with a blinking or strobe light function and have sufficient intensity to  
9 be visible at 500 feet in normal daylight. When the left wing of a plow is in  
10 operation and extends over the center of the road, an auxiliary light must show  
11 the extreme end of the left wing. That light may be attached to the vehicle so that  
12 the beam of light points at the left wing. The light illuminating the left wing may  
13 be controlled by a separate switch or by the regular lighting system and must be  
14 in operation at all times when the vehicle is used for plowing snow on public  
15 ways.
- 16 (4) A vehicle equipped and used for plowing snow on other than public ways  
17 may be equipped with an auxiliary rotary flashing light that must be mounted on  
18 top of the vehicle in such a manner as to emit an amber beam of light over a 360`  
19 angle, or an amber strobe, or combination of strobes, that emits at a minimum a  
20 beam of 50 candlepower and provides visible light coverage over a 360` range.  
21 The light may be in use on a public way only when the vehicle is entering the  
22 public way in the course of plowing private driveways and other off-highway  
23 locations.
- 24 (5) A rural mail vehicle may be equipped with auxiliary lights.
- 25 (a) The lights used to the front must be white or amber, or any shade  
26 between white and amber.
- 27 (b) The lights used to the rear must be amber or red, or any shade between  
28 amber and red.
- 29 (c) The lights, whether used to the front or rear, must be mounted at the  
30 same level and as widely spaced laterally as possible.
- 31 (d) The lights, whether used to the front or rear, must flash simultaneously.
- 32 (e) The lights must be visible from a distance of at least 500 feet in normal  
33 daylight.
- 34 (6) A vehicle used or provided by a contract security company to assist in traffic  
35 control and direction at construction or maintenance sites on a public way may be  
36 equipped with amber auxiliary lights.
- 37 (7) A Department of Public Safety vehicle operated by a motor carrier inspector  
38 or motor vehicle inspector may be equipped with auxiliary lights that emit an  
39 amber light.
- 40 (8) A vehicle used by an animal control officer appointed pursuant to Title 7,  
41 section 3947 may be equipped with auxiliary lights that emit a flashing amber  
42 light.

1 (9) A refuse, garbage or trash business vehicle used by an individual to transport  
2 refuse, garbage and trash may be equipped with auxiliary lights that emit a  
3 flashing amber light.

4 (10) A vehicle used by an individual to transport and deliver newspapers may be  
5 equipped with auxiliary lights that emit a flashing amber light.

6 **Sec. 5. 30-A MRSA §451, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2 and  
7 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
8 repealed.

9 **Sec. 6. 30-A MRSA §451, sub-§4-A** is enacted to read:

10 **4-A. Emergency management.** "Emergency management" means the coordination  
11 and implementation of an organized effort to mitigate, prepare for, respond to and recover  
12 from a disaster.

13 **Sec. 7. 30-A MRSA §451, sub-§5**, as enacted by PL 1987, c. 737, Pt. A, §2 and  
14 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is  
15 further amended to read:

16 **5. Emergency services.** "Emergency services" means assistance given to one or  
17 more persons or areas, when there is imminent danger of damage or injury to property or  
18 personal health and safety, and includes ambulance services, ~~civil~~ emergency  
19 management agency services and rescue services.

20 **Sec. 8. 30-A MRSA §453**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,  
21 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
22 amended to read:

23 **§453. Communications centers**

24 Each county may establish a communications center, separate from any  
25 communications function of the sheriff's department and capable of serving the  
26 communication needs of the county and the municipalities ~~which~~ that may wish to use the  
27 center.

28 The county commissioners, after consulting with municipal officers, are responsible  
29 for setting policies for the communications center. They shall appoint a director or chief  
30 dispatcher who is responsible for carrying out their policies. The director or chief  
31 dispatcher, if qualified, may be the ~~County Director of the Maine Emergency~~  
32 ~~Management Agency~~ director of the county emergency management agency.

33 The county communications center shall provide communication services for the  
34 sheriff's department, county ~~civil~~ emergency ~~services~~ management agency, county or  
35 municipal rescue or ambulance services, county or municipal fire departments or  
36 municipal police departments.

37 The county commissioners, after consulting with the director or chief dispatcher, may  
38 enter into an agreement with a municipality under section 107 to provide specific

1 communications for municipal law enforcement functions, including dispatching of  
2 municipal units, in return for payment for these services.

3 **Sec. 9. 30-A MRSA §1101**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C,  
4 §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further  
5 amended to read:

6 **§1101. Activities authorized; costs**

7 County commissioners may provide for ~~civil-defense~~ emergency management  
8 activities as provided by law within their respective counties. The county commissioners  
9 shall include the cost of these activities in the annual estimate under chapter 3.

10 **Sec. 10. 37-B MRSA §793, sub-§1**, as enacted by PL 1989, c. 464, §3, is  
11 amended to read:

12 **1. Local committees established.** The commission shall, by resolution, appoint the  
13 members of the local emergency planning committee of each emergency planning  
14 district. The committee ~~shall consist~~ consists of at least 14 members and, except as  
15 provided in subsection 2, ~~shall include~~ includes representatives from each of the  
16 following organizations or groups: elected state and local officials; law enforcement,  
17 ~~civil-defense~~ emergency management, firefighting, first aid, health, local environmental,  
18 hospital and transportation personnel; broadcast and print media; citizens living near local  
19 facilities; employees working in local facilities; community groups; and owners and  
20 operators of facilities subject to the emergency planning requirement of this subchapter.

21 **Sec. 11. 37-B MRSA §802, sub-§1, ¶¶C and D**, as enacted by PL 1989, c. 464,  
22 §3, are amended to read:

23 C. To provide training grants; ~~and~~

24 D. To provide for the resource needs of the local emergency planning committees; ;  
25 and

26 **Sec. 12. 37-B MRSA §802, sub-§1, ¶E** is enacted to read:

27 E. To provide for the procurement and maintenance of hazardous materials incident  
28 response equipment and related consumable supplies. Disbursements for this purpose  
29 must be approved by the commission.

30 **Sec. 13. 38 MRSA §547, sub-§3**, as amended by PL 1973, c. 788, §212, is  
31 further amended to read:

32 **3. Emergency management.** The provisions of Title ~~37-A~~ 37-B, chapter ~~3~~ 13, as  
33 they ~~shall~~ apply to eminent domain and compensation, mutual aid, immunity, aid in  
34 emergency, right of way, enforcement and compensation, ~~shall~~ apply to disasters or  
35 catastrophes proclaimed by the Governor under this subchapter.

36 **Sec. 14. Maine Revised Statutes headnote amended; revision clause.** In  
37 the Maine Revised Statutes, Title 30-A, chapter 7, in the chapter headnote, the words  
38 "civil defense" are amended to read "emergency management" and the Revisor of

1 Statutes shall implement this revision when updating, publishing or republishing the  
2 statutes.

3

### **SUMMARY**

4 This bill changes language in various provisions of the Maine Revised Statutes to  
5 conform it to current terminology of the Department of Defense, Veterans and  
6 Emergency Management.

7 The bill allows disbursements from the Emergency Response Commission Fund to be  
8 made for hazardous materials incident response equipment and supplies.