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## **An Act To Implement the Recommendations of 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,** the State's emergency preparedness efforts need to be supported to ensure that the State has the tools necessary to protect our citizens from terrorism and natural disasters; and

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

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

**Sec. 1. 20-A MRSA §1001, sub-§16,** as amended by PL 2001, c. 588, §10, is further amended to read:

**16. Crisis response plan.** They shall annually approve a plan developed by the school unit administration working with local public safety, mental health and law enforcement officials to deal with crises and potential crisis situations involving violent acts by or against students in each school in the school administrative unit. The crisis response plan must include an all-hazards emergency plan component that must be approved by a local emergency response official or other local public safety agency. The school board shall also review and update the plan as necessary and implement regular training, education and drills for staff, students and parents.

**Sec. 2. 22 MRSA §451,** as amended by PL 1989, c. 487, §3, is repealed and the following enacted in its place:

### **§ 451. Appointment**

The following provisions govern the appointment and employment of local health officers.

**1. Role of municipality.** Every municipality in the State shall employ a local health officer who is appointed by the municipal officers of that municipality. A person may be appointed and employed as a local health officer by more than one municipality.

**2. Qualifications.** The local health officer must be qualified by education, training or experience in the field of public health or a combination as determined by standards adopted by department rule no later than January 1, 2008. A person who is employed as a local health officer who is not qualified by education, training or experience must meet qualification standards adopted by department rule no later than June 1, 2008. On or after June 1, 2008, a person may not be appointed and

employed as a local health officer unless that person is first qualified pursuant to the standards set by department rule. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Duration of appointment; notification.** A local health officer is appointed for a term of 3 years and until that officer's successor is appointed. The municipal officers shall appoint a successor within 30 days of any resignation or expiration of term. The municipal officers or clerk of each municipality shall within 10 days notify the department in writing of the appointment of a local health officer. Notification to the department must include the local health officer's name, age and address and the dates of the appointment and the beginning of the 3-year term. A local health officer in a town or plantation contiguous to unorganized territory shall perform the duties of a local health officer in that territory.

**4. Incapacity or absence.** In the event of incapacity or absence of the local health officer, the municipal officers shall appoint a person to act as local health officer during that incapacity or absence. The chair of the municipal officers shall perform the duties of a local health officer until the regular local health officer is returned to duty or another person has been appointed and employed. In a municipality with a manager form of government, when the charter so provides, the appointments provided for in this subsection may be made by the manager and the duties prescribed for the chair of the municipal officers during incapacity or absence of the local health officer are performed by the manager.

**5. Conflict of interest.** A person may not be appointed to hold office as a local health officer or to serve as a member of the local board of health under section 453 if that person has a pecuniary interest, directly or indirectly, in any corporation or other entity over which that officer or board has general supervision.

**6. Duties.** Local health officers may be employed on a part-time or full-time basis. The offices of local health officer and town or school physician may be combined when, in the opinion of the municipal officers, the health needs of the public would be better served.

**Sec. 3. 26 MRSA §1419-A, sub-§6,** as enacted by PL 2005, c. 336, §2, is amended to read:

**6. Emergency alert telecommunications service.** A person who has been certified by the Division of Deafness as being deaf or hard-of-hearing and has an income of less than 135% of the federal poverty level must receive a discount of up to \$10 per month in the service charge for any wireless communications device or 2-way pager that is used to receive emergency alerts issued by any state or federal agency. Such a person must receive a \$10 discount except when the service charge for the wireless communications device or 2-way pager is less than \$10 per month, in which case the person must receive a discount equal to the service charge for the wireless communications device or 2-way pager wireless communications device or 2-way pager that is used to receive emergency alerts issued by any state or federal agency and the monthly service for that device or pager without charge. A company required to provide the discount service without charge to a person is entitled to recover monthly service charge amounts discounted from the Communications Equipment Fund established in subsection 2. The Bureau of Rehabilitation Services shall adopt rules to establish the process for certifying eligibility with the Division of Deafness and for the process to be used by wireless and paging

companies in recovering ~~discounted revenue~~ monthly service charge amounts from the Communications Equipment Fund. Administrative costs associated with implementing this subsection may be paid from funds provided to the Communications Equipment Fund for the purposes of this subsection pursuant to Title 35-A, section 7104. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 35-A MRSA §7104, sub-§5,** as repealed and replaced by PL 2005, c. 683, Pt. A, §59, is amended to read:

**5. Funds for Communications Equipment Fund.** The commission shall annually transfer \$85,000 from a state universal service fund established pursuant to this section to the Communications Equipment Fund established under Title 26, section 1419-A.

If the Department of Labor, Bureau of Rehabilitation Services does not receive from federal or other sources funds in addition to the \$85,000 sufficient to carry out the purposes of Title 26, section 1419-A, the commission, at the request of the Department of Labor, Bureau of Rehabilitation Services, may transfer from the state universal service fund to the Communications Equipment Fund an additional \$37,500.

The commission may, upon the request of the Department of Labor, Bureau of Rehabilitation Services and after a finding that the funds are necessary and that sufficient attempts have been made by the Bureau of Rehabilitation Services to maximize federal support to support emergency alert telecommunications service, transfer up to \$60,000 in fiscal year 2005-06, up to \$90,000 in fiscal year 2006-07 and up to \$120,000 in any subsequent amounts certified by the Bureau of Rehabilitation Services as necessary in each fiscal year from the state universal service fund established by this section to the Communications Equipment Fund established under Title 26, section 1419-A for the exclusive purpose of supporting the discount program established under provision of wireless communication devices and 2-way pagers and service for those wireless communication devices and 2-way pagers to qualifying persons pursuant to Title 26, section 1419-A, subsection 6.

The commission may require contributions to the state universal service fund in an amount necessary to collect amounts transferred pursuant to this subsection.

**Sec. 5. 37-B MRSA §708, sub-§2, ¶F,** as enacted by PL 2005, c. 634, §12, is amended to read:

F. Advise the Governor with regard to the appropriate response to any terrorist threat; ~~and~~

**Sec. 6. 37-B MRSA §708, sub-§2, ¶G,** as enacted by PL 2005, c. 634, §12, is amended to read:

G. Periodically advise an emergency response team with pertinent information that could assist in the team's response to an event; and

**Sec. 7. 37-B MRSA §708, sub-§2, ¶H** is enacted to read:

H. Beginning January 15, 2008 and annually thereafter, report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding homeland security training and communications exercises and other homeland security initiatives and issues.

**Sec. 8. 37-B MRSA §745, sub-§6** is enacted to read:

**6. Rules.** The agency shall adopt rules governing the process for the expenditure of funds from the fund. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 9. 37-B MRSA §783, sub-§3-A** is enacted to read:

**3-A. Shelters.** Identification of adequate shelter space, including, by January 1, 2008, identification in each county of at least one shelter space that is equipped to handle pets;

**Sec. 10. 37-B MRSA §783, sub-§3-B** is enacted to read:

**3-B. Continued medical care.** By January 1, 2008, identification of methods to ensure that persons who require medical care and are transferred from hospitals, nursing homes or their own personal residences during emergencies receive continued medical care;

**Sec. 11. 37-B MRSA §783, sub-§3-C** is enacted to read:

**3-C. Transportation.** By January 1, 2008, identification of methods to identify persons who require transportation in an emergency, including those with disabilities or other special needs, and methods to ensure that these transportation needs are met;

**Sec. 12. 37-B MRSA §1119-A** is enacted to read:

**§ 1119-A. Dam Safety Fund; annual dam fees**

**1. Fund established.** The Dam Safety Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the Maine Emergency Management Agency. The commissioner may use this fund only to support dam inspection, maintenance and repair.

**2. Fees.** Beginning January 15, 2008, the following fees must be paid annually to the commissioner and deposited in the fund.

**A.** A municipality shall pay annual fees for dams that the municipality owns as follows:

(1) \$1,000 a year for each significant hazard potential dam;

(2) \$1,000 a year for each high hazard potential dam; and

(3) \$40 a year for each low hazard potential dam.

B. A private owner shall pay annual fees for dams that the private owner owns as follows:

(1) \$250 a year for each significant hazard potential dam;

(2) \$250 a year for each high hazard potential dam; and

(3) \$40 a year for each low hazard potential dam.

**Sec. 13. Report on local health officers.** The Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services, in conjunction with the Public Health Work Group and other stakeholders and interested parties, shall further study and specify standards for local health officer qualifications, including redefining the role of the local health officer and updating related statutes to clarify that role. The director shall report recommendations, including any necessary legislation, to the Homeland Security Advisory Council created in the Maine Revised Statutes, Title 37-B, section 708 and the Joint Standing Committee on Health and Human Services by June 1, 2007. The joint standing committee is authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

**Sec. 14. Report of Public Health Work Group.** Upon completion of its work, but no later than July 1, 2007, the Public Health Work Group shall report to the Homeland Security Advisory Council and to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety any recommendations regarding the following initiatives:

1. Development of a strong local health officer system that is able to function independently of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, if necessary, during an emergency and that supports the county-based emergency management agency and homeland security counterparts;

2. Development of training of, support of and links between local health officers to ensure that each of the 16 county emergency management agencies has a competent local health liaison, including clarification of the role of local health officers in emergency preparedness and response and recovery;

3. Implementation of pilot projects at the county or multicounty level to establish official health agencies to serve as the official public health liaisons during emergencies and to provide an official boundary of local government jurisdiction in the public health arena;

4. Certification of all local law enforcement officers to act as deputy county sheriffs during emergencies and authorization to counties to assume jurisdiction and permit official delegation of public health functions from municipal to county levels; and

5. Adoption and implementation of the National Public Health Performance Standards established by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and the standards of the National Association of County and City Health Officials for ensuring the competency of individuals and agencies.

The Homeland Security Advisory Council and the joint standing committees are authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

**Sec. 15. Report from Maine Emergency Management Agency regarding pet-friendly shelters.** The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall work with communities to identify levels of need and where and how to allocate pet-friendly shelters in order to meet the requirement of Title 37-B, section 783 that at least one such shelter be established in each county no later than January 1, 2008. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by September 1, 2007. The joint standing committee is authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

**Sec. 16. Report from Maine Emergency Management Agency regarding plans for ongoing medical care for persons transferred during emergencies.** The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall work with communities to develop plans required under Title 37-B, section 783 to ensure that persons who require medical care and are transferred from hospitals, nursing homes or their own personal residences during emergencies receive continued medical care. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety by September 1, 2007. The joint standing committees are authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

**Sec. 17. Report from Maine Emergency Management Agency regarding plans for identification of persons needing transportation and how to evacuate those persons.** The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management shall work with communities to identify persons who require transportation in the event of an emergency and to develop plans required under Title 37-B, section 783 to ensure that those persons are transported. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by September 1, 2007. The joint standing committee is authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

**Sec. 18. Implementation of disability indicator.** The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission, shall develop and implement a plan, including a funding mechanism, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a code identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and identify any policy or legislative changes that may be required to the Joint Standing Committee on Criminal Justice and Public Safety by July 1, 2007. The joint standing committee is authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

**Sec. 19. Report from Maine Emergency Management Agency regarding building communications system needs.** The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, shall seek and coordinate from each of the fire chiefs across the State a list of those facilities in each chief's community that pose radio communications challenges and, after application of a recognized standardized risk assessment, are identified as having a high potential of high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by September 1, 2007. The joint standing committee is authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

**Sec. 20. Report from Maine Emergency Management Agency regarding regulation of fuel tanks.** The Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, shall research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by September 1, 2007. The Homeland Security Advisory Council is authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

**Sec. 21. Appropriations and allocations.** The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

**Maine Emergency Management Agency**

Initiative: Provides funding for 6 rain gauges to be installed on rivers in York and Cumberland counties.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$90,000	\$20,000
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GENERAL FUND TOTAL	\$90,000	\$20,000
<b>FEDERAL FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$90,000	\$20,000
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FEDERAL FUNDS TOTAL	\$90,000	\$20,000

Initiative: Establishes 2 positions to support dam inspection, maintenance and repair through the Dam Safety Fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS - LEGISLATIVE COUNT	2	2
Personal Services	\$68,592	\$68,592
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<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$68,592</b>	<b>\$68,592</b>
<b>FEDERAL FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
Personal Services	\$68,592	\$68,592
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<b>FEDERAL FUNDS TOTAL</b>	<b>\$68,592</b>	<b>\$68,592</b>

Initiative: Establishes 2 positions to support Maine's Fusion Center, which is designed to facilitate communication among local, state and federal law enforcement agencies regarding intelligence information and analysis.

<b>FEDERAL FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS - LEGISLATIVE COUNT	2	2
Personal Services	\$152,568	\$152,568
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<b>FEDERAL FUNDS TOTAL</b>	<b>\$152,568</b>	<b>\$152,568</b>
<b>DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
GENERAL FUND	<b>\$90,000</b>	<b>\$20,000</b>
FEDERAL FUNDS	<b>\$211,160</b>	<b>\$211,160</b>
OTHER SPECIAL REVENUE FUNDS	<b>\$68,592</b>	<b>\$68,592</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$379,752</b>	<b>\$379,752</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## SUMMARY



This emergency bill is the recommendation of the Task Force to Study Maine's Homeland Security Needs. The bill proposes to do the following.

1. It specifies that the crisis response plan that each school unit administration must develop and approve annually includes an all-hazards emergency plan component that must be approved by local emergency response officials or other local public safety officials. The bill directs the school board to review and update the plan regularly and implement training and drills for staff, students and parents. The Commissioner of Education may withhold state subsidy from those schools that fail to meet these requirements.

2. It requires the Homeland Security Advisory Council, beginning January 15, 2008 and annually thereafter, to report to the joint standing committee of the legislature having jurisdiction over criminal justice and public safety matters regarding homeland security training and communications exercises and other homeland security initiatives and issues.

3. It specifies that local health officers must be qualified by education, training or experience in the field of public health or a combination as determined by standards set through the adoption of major substantive rules by the Department of Health and Human Services, Maine Center for Disease Control and Prevention by January 1, 2008. A person employed as a local health officer before January 1, 2008 who is not qualified by education, training or experience must meet qualification standards no later than June 1, 2008. On or after June 1, 2008, a person may not be appointed and employed as a local health officer unless that person is qualified pursuant to department standards.

4. It specifies that the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency shall adopt major substantive rules regarding the process for the expenditure of funds from the Disaster Relief Fund.

5. It amends the disaster emergency plan requirements for municipal, county and regional emergency management agencies by requiring each plan to include provisions to ensure the sheltering of pets, continuous medical care of persons transferred in an emergency and methods to identify and provide transportation to those who will need transportation in an emergency situation. The bill directs the Maine Emergency Management Agency to work with communities on these issues and to report to the Joint Standing Committee on Criminal Justice and Public Safety by July 1, 2007 with recommendations for additional changes. The Joint Standing Committee on Criminal Justice and Public Safety, upon receiving the reports, may submit implementing legislation to the Second Regular Session of the 123rd Legislature.

6. It specifies that persons who have been certified by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness as being deaf or hard-of-hearing and have an income of less than 135% of the federal poverty level must receive a wireless communications device or 2-way pager and the monthly service for that device or pager without charge. A company required to provide the service without charge is entitled to recover monthly service charge amounts from the Communications Equipment Fund. The Bureau of Rehabilitation Services shall adopt rules to establish the process for certifying eligibility with the Division of Deafness and for the process to be used by wireless and paging companies in recovering monthly service charge amounts from the Communications Equipment Fund.

7. It creates an annual fee structure for payment by municipal and private dam owners to support dam inspection, maintenance and repair.

8. It requires the Director of the Maine Center for Disease Control and Prevention, within the Department of Health and Human Services in conjunction with the Public Health Work Group and other stakeholders and interested parties, to further study and set standards by major substantive rulemaking for local health officer qualifications and redefine the local health officer's role, including updating related statutes to clarify that role. The director shall report these proposed standards, recommendations and any necessary legislation to the Homeland Security Advisory Council and the Joint Standing Committee on Health and Human Services by June 1, 2007. Qualification standards must be set by rule by January 1, 2008.

9. It requires the Public Health Work Group to report any recommendations to the Homeland Security Advisory Council and to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety regarding the following initiatives:

A. Development of a strong local health officer system that is able to function independently of the Maine Center for Disease Control and Prevention, if necessary, during an emergency and that supports the county-based emergency management agency and homeland security counterparts;

B. Development of training of, support of and links between local health officers to ensure that each of the 16 county emergency management agencies has a competent local health liaison, including clarification of the role of local health officers in emergency preparedness and response and recovery;

C. Implementation of pilot projects at the county or multicounty level to establish official health agencies, to serve as the official public health liaisons during emergencies and to provide an official boundary of local government jurisdiction in the public health arena;

D. Certification of all local law enforcement officers to act as deputy county sheriffs during emergencies and authorization to counties to assume jurisdiction and permit official delegation of public health functions from municipal to county levels; and

E. Adoption and implementation of the National Public Health Performance Standards established by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and the standards of the National Association of County and City Health Officials for ensuring the competency of individuals and agencies.

10. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission, to develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a code identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety by July 1, 2007.

11. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, to seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and

recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by September 1, 2007.

12. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, to research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by September 1, 2007.

13. It includes an appropriations and allocations section to implement initiatives to provide funding for 6 rain gauges to be installed on rivers in York and Cumberland counties, to establish 2 positions to support the Dam Safety Program and to establish 2 positions to support Maine's Fusion Center, which is designed to facilitate communication among local, state and federal law enforcement agencies regarding intelligence information and analysis.