

**OFFICE OF POLICY AND LEGAL ANALYSIS
BILL ANALYSIS**

TO: Members, Joint Standing Committee on Criminal Justice and Public Safety

FROM: Jane Orbeton, Legislative Analyst

DATE: April 10, 2021

LD: 763 An Act To Allow State Vehicles Assigned to Maine Emergency Management Agency Employees To Be Used for Commuting

Summary

This bill allows an employee of MEMA (the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency) to use a state vehicle to commute between home and work if so designated by the Commissioner of DVEM.

Testimony

Proponents:

1. Joseph Legee, Deputy Director of MEMA, testified in favor of the bill and submitted written testimony. Deputy Director Legee stressed the need for a MEMA-identified vehicle with appropriate amber lights when a MEMA employee is responding to an emergency situation in the person's official capacity and cited the time and mileage if the employee must go to Augusta to secure the vehicle. See additional information provided by Deputy Director Legee dated April 12 and copied in below.

Opponents:

None

Neither for nor against:

None

Fiscal Impact

1. Information was requested on fiscal impact. Deputy Director Legee testified that costs would be absorbed within MEMA, using state and federal funds as appropriate (50%/50% when a federal emergency has not been declared and at least 75% federal/25% state during federally declared disasters).

2. Information was requested on payment for maintenance and repairs of vehicles used by an agency when the agency uses State fleet vehicles. Jane has learned from Deputy Director Legee, through OFPR, that MEMA has 4 vehicles. Two were purchased with federal grant funds. Two are leases from State Central Fleet. Central Fleet does maintenance on all vehicles. MEMA pays for maintenance with federal and state funds under the 50%/50% or at least 75%/25% formula above.

**LD 763 “An Act to Allow State Vehicles Assigned to Maine Emergency Management Agency
Employees To Be Used for Commuting”
Requested Work Session Information
April 12, 2021**

1. *MEMA is not a first responder*

While employees of MEMA are not first responders to the scene of a disaster, the Director, or his designee, is responsible to respond to the State’s Emergency Operations Center (SEOC) in Augusta to ensure that the resources of State Government are assembled and organized for an appropriate response. <https://legislature.maine.gov/statutes/37-B/title37-Bsec704.html>.

That trip from the Director’s (or designee’s) home to the SEOC may be hazardous in nature, with trees, power lines, ice, etc. impeding travel. It is critical that the Director, or their designee, have an appropriately marked vehicle to report to the SEOC safely.

2. *Reimbursement by federal government*

During situations where a federally declared disaster is **not** in effect – fuel cost and maintenance will be paid through a combination of state and federal grant funds (50/50).

During federally declared disasters, fuel cost and maintenance associated with disaster-related travel will be reimbursable up to **at least** 75% through the Stafford Act, Public Assistance Program.

3. *How many times has the Director been called out (e.g., over the last five years)?*

Below is an account of situations in which the current MEMA Director has responded to the scene of an emergency/disaster in order to fulfill his duties under <https://legislature.maine.gov/statutes/37-B/title37-Bsec704.html>.

- Westbrook Landslide
- Camp Ellis – beach erosion due to flood
- Kennebunk Sea Wall Failure
- Wiscasset Oil Spill/Truck Rollover

This list does not include situations in which the Director, or a designee, would have responded had they an appropriately equipped vehicle at their disposal. Nor does this list include commutes from their residence to the SEOC.

4. *Cost associated with the initiative.*

MEMA currently owns two vehicles and leases two from State Central Fleet. Central Fleet performs the necessary maintenance on all four vehicles. Federal grant funds were used to purchase the two vehicles that MEMA owns. Maintenance is paid for through a combination of 50% state and 50% federal grant funds. Fuel is paid for through the federal grant associated with the employee and the nature of their travel.

Additional cost, should this initiative pass, would be restricted to the fuel and maintenance associated with the MEMA Director, or designee, commuting.