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## Final Report of the Task Force to Study Maine's Homeland Security Needs

Maine State Legislature

Maine Office of Policy and Legal Analysis

Elizabeth Cooper  
*Maine State Legislature*

Marion Hylan Barr  
*Maine State Legislature*, [Marion.Hylanbarr@legislature.maine.gov](mailto:Marion.Hylanbarr@legislature.maine.gov)

Rayna Liebowitz  
*Maine Emergency Management Agency*, [Rayna.Liebowitz@maine.gov](mailto:Rayna.Liebowitz@maine.gov)

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**A REPORT TO THE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION**

**FINAL REPORT  
OF  
THE TASK FORCE TO STUDY MAINE'S  
HOMELAND SECURITY NEEDS**

**December 2006**

**Staff:**

**Elizabeth Cooper, Legislative Analyst  
Marion Hylan Barr, Esq., Legislative Analyst  
Office of Policy & Legal Analysis, Maine Legislature  
(207) 287-1670  
<http://www.state.me.us/legis/opla>**

**Rayna Liebowitz, Senior Planner  
Maine Emergency Management Agency  
72 State House Station  
Augusta, Maine 04333-0072  
(207) 624-4430  
<http://www.maine.gov/mema>**

**Members:**

**Sen. Ethan Strimling, Co-Chair  
Sen. David Hastings, III  
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Charles Updegraph**



**Task Force to Study Maine’s Homeland Security Needs**  
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## EXECUTIVE SUMMARY

The Task Force to Study Maine’s Homeland Security Needs (“the Task Force”) was established by the 122<sup>nd</sup> Legislature to identify gaps in Maine’s security and emergency preparedness. The Task Force held 13 meetings and heard from over 250 people. It issued an interim report in February 2006 and proposed legislation that was enacted by the Second Regular Session of the 122<sup>nd</sup> Legislature as Public Law 2005, Chapter 630 and Public Law 2005, Chapter 634. The Task Force held two additional public hearing in September 2006 focusing on Maine’s ports and the response to flooding in May 2006. In November 2006, the Task Force held two final work sessions and found that, in general, Maine is well prepared to prevent, respond to and recover from acts of terror, emergencies and disasters.

The Task Force believes that Maine is doing better than most states in planning, coordinating and preparing for terrorist threats, natural and human-made disasters as well as public health emergencies. The action recommended in this report will continue to improve this work and put mechanisms in place to ensure that we have appropriate funding, equipment, coordination and oversight to keep Maine families safe. The Task Force identified several areas that still need attention and unanimously supported the following recommendations and proposed legislation found in **Appendix C** for consideration by the 123<sup>rd</sup> Legislature.

### **RECOMMENDATIONS**

#### 1. SCHOOL EMERGENCY PREPAREDNESS

- *Develop all-hazard plans for schools.* – Require school officials to complete all-hazard emergency preparedness plans and to train staff, parents and students on the plans in addition to holding regular drills. (p. 5)
- *Require public safety approval of plans.* – Require school officials to seek approval of the emergency preparedness plans from local public safety officials. (p. 5)
- *Strengthen Commissioner’s ability to withhold funds* – Reinforce the Commissioner of Education’s authority to deny school approval and state funding for non-compliance with reporting requirements by clarifying the obligation to have all-hazard emergency preparedness plans. (p. 5)

#### 2. COMMUNICATIONS AND INTEROPERABILITY

- *Assess local emergency communications.* – Direct the Maine Emergency Management Agency (MEMA) to gather information from local fire chiefs on facilities that may have communication challenges and are vulnerable to emergency events. (p. 6)

#### 3. NOTIFICATION, EVACUATION AND SHELTERS

- *Provide notification systems for disabled persons.* – Provide emergency notification pagers and services at no cost to low-income people who are hearing-impaired or deaf. Require MEMA to develop a disability indicator system that provides a code identifying special assistance needed in an emergency. (p. 9)

- Develop evacuation plans for persons without transportation. – Require MEMA to ensure that local emergency plans address the need to transport people without transportation during an evacuation including those with disabilities. (p. 10)
- Develop specialized shelter capacity. – Require MEMA to ensure that local emergency plans include accommodations for people with pets and address the need to care for people with on-going medical needs. (p. 10)

#### 4. INFRASTRUCTURE

- Increase the number of dam safety inspectors. – Support the dam safety program by providing additional dam safety inspection staff funded through an annual fee paid by municipalities and private dam owners in order ensure the safety of Maine’s dam. (p. 12)
- Provide additional rain gages. – Support funding requested in the budget for six additional rain gages on rivers in Cumberland and York counties. (p. 12)
- Examine fuel tank safety. – Require MEMA to determine whether fuel tanks should be connected to buildings and have emergency shut off valves. (p. 12)

#### 5. GOVERNOR’S HOMELAND SECURITY ADVISORY COUNCIL (HSAC)

- Require HSAC to submit an annual report. – Direct the HSAC to prepare an annual report to the Legislature that includes information on homeland security initiatives and make recommendations. (p. 15)

#### 6. LOCAL HEALTH OFFICERS (LHO)

- Require LHOs to be qualified for positions. – Require that LHOs be qualified for their jobs by education, training or experience in the health field. (p. 18)
- Identify standards for qualification for LHOs. – Direct the Maine Center for Disease Control and Prevention (CDC) and the Public Health Work Group (PHWG) to develop standards for local health officer qualifications. (p. 18)

#### 7. HOMELAND SECURITY FUNDS

- Request federal action on homeland security funding. – Memorialize Congress and the President of the United States asking them to shift homeland security funding priorities and requesting equitable distribution of funds to the states. (p. 19)
- Develop agency rules for Maine’s Disaster Relief Recovery Fund. – Adopt major substantive rules related to the transfer of funds to the Disaster Relief Recovery Fund and the expenditure of those funds. (p. 19)

## I. INTRODUCTION

In the aftermath of the September 11, 2001 attacks and August 2005's Hurricane Katrina, the federal government and state governments nationwide are taking steps to increase our nation's homeland security, which in the context of this report means the ability to detect, prevent, protect against, respond to and recover from terrorist attacks, natural disasters and other emergencies. The federal government has undertaken a number of initiatives to enhance homeland security, emergency management and health care system preparedness through the National Strategy for Homeland Security, the Homeland Security Act of 2002, Homeland Security Presidential Directives, the House Committee on Homeland Security and the Senate Committee on Homeland Security and Governmental Affairs.

In particular, Presidential Directive 8 "*National Preparedness*" (HSPD-8) established "...policies to strengthen the preparedness of the United States...by requiring a national...all-hazards preparedness goal,...[improving] delivery of...assistance to State and local governments, and outlining actions to strengthen preparedness capabilities of Federal, State, and local entities."<sup>1</sup> Under the auspices of HSPD-8, the Department of Homeland Security (DHS) provides guidance to states and urban areas for updating their homeland security plans. In addition, the U.S. Department of Homeland Security and U.S. Department of Health and Human Services currently provide funds to the states for homeland security, emergency preparedness and public health emergency planning.

While Maine has been spared some of the tragedy of larger scale events, the State has had its share of natural disasters, public health concerns and tragedies cause by human error or intent. Events such as the Julie N. oil spill, the 1998 ice storm, recent flooding in southern Maine, outbreaks of communicable disease and terrorists boarding airline flights in Portland make state and local officials ever mindful that Maine needs to be prepared for all types of emergencies.

Regional Hazards and Vulnerability Analysis indicates that natural disasters including floods, blizzards and pandemic are the greatest threats in Maine,<sup>2</sup> and recent history supports this analysis. For example, the ice storm of 1998 left approximately 315,000 customers without power for days and had significant impact on the State's forests, infrastructure and economy. The loss of winter tourism dollars from the snowmobile industry was estimated at \$2.5 million.<sup>3</sup> During flooding in May 2006, southern Maine was significantly impacted and qualified for federal disaster aid. Also, in recent years, the Maine CDC has issued public health alerts regarding outbreaks of whooping cough, influenza, and mumps. Although no cases in humans have been reported in Maine,

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<sup>1</sup> U.S. Department of Homeland Security, *HSPD-8 Overview*. <http://www.ojp.usdoj.gov/odp/assessments/hspd8.htm>.

<sup>2</sup> Maine Center for Disease Control and Prevention, *Report on Surge Capacity to the Task Force to Study Maine's Homeland Security Needs*, pursuant to Public Law 2005, c 634. September 2006.

<sup>3</sup>Eugene L. et.al., *Ice Storm '98*. Institute for Catastrophic Loss Reduction (ICLR) Research Paper Series – No.1, December 1998.

concerns about the West Nile virus and the avian flu remain at the top of public health officials planning priorities.<sup>4</sup>

In general, Maine residents, emergency management personnel, public safety and public health officials plan for and respond well to these natural disaster and public health events. However, Maine emergency preparedness planners are faced with specific challenges presented by the state's rural infrastructure and geographic features such as 3,500 miles of coastline, 17 million acres of heavily wooded forest, 611 miles along the Canadian border and a state that is as big in area as all of the other five New England States combined. In addition, 2.5 million people with personal vehicles cross the Canadian border in Calais, more than 1.5 million passengers come through the Portland jetport and over 30 million tons of cargo come in to our ports annually. State officials recognize the need to balance freedom of movement and trade with the need for security. In addition, emergency planners and public health officials remain acutely aware of the need for more comprehensive all-hazards planning, coordination and the need to continue evaluating "lessons learned" after catastrophic events.

## **II. TASK FORCE BACKGROUND**

In June 2004, Governor John Baldacci issued an executive order to create the Homeland Security Advisory Council to facilitate the coordination of the various executive branch agencies playing a role in homeland security and emergency preparedness and response. A year later, in recognition of the need for legislative involvement and oversight, the 122<sup>nd</sup> Legislature enacted Resolve 2005, Chapter 126 to establish the Task Force to Study Maine's Homeland Security Needs [Task Force]. The Governor signed the resolve and it became law on June 23, 2005. (See **Appendix A** for a copy of the resolve.)

### **A. Study Creation, Task Force Membership and Task Force Charge**

Resolve 2005, Chapter 126 directed the Task Force to meet over a two-year period to review Maine's homeland security needs and to identify gaps in Maine's emergency preparedness. The 11-member Task Force included six legislators and five members of the public with backgrounds in emergency management and public health. A list of the Task Force members is in **Appendix B**.

Resolve 2005, Chapter 126 charged the Task Force with the following duties:

1. Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security;
2. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the

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<sup>4</sup> Maine Center for Disease Control and Prevention website. <http://www.maine.gov/dhhs/boh/>.

impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness;

3. As part of its review of needs and preparedness, receive a report on the status of the Maine's Homeland Security Task Force [Governor's Homeland Security Advisory Council] including a report on its vision and plans and the status of those plans as of May 2005;
4. Hold at least 2 of its meetings outside of Augusta and provide an opportunity for public comment at those meetings; and
5. Review ways to improve the flow of information to the Legislature and the general public about Maine's homeland security needs and preparedness.

## **B. Task Force Process**

The Task Force began its work in October of 2005 and over the course of a year held more than 10 public meetings across the state in Augusta, Brunswick, Bangor, Oxford Hills, Portland, Presque Isle, Rockland, Saco and Wells. The Task Force heard from over 250 members of the public, representatives of private organizations and local, state and federal officials. The members reviewed information, heard testimony, evaluated and discussed Maine's homeland security, emergency management and health system preparedness needs. In December 2005 and again in February 2006 the Task Force issued interim reports. The February report proposed legislation that was enacted by the Second Regular Session of the 122<sup>nd</sup> Legislature.

In September 2006, the Task Force held public hearings in Portland and Wells. The Portland meeting focused on the security and preparedness of Maine's ports and the Wells meeting focused on lessons learned from the May 2006 floods. The Task Force also received reports from Maine's Emergency Management Agency (MEMA) and Maine's Center for Disease Control and Prevention (CDC) in September 2006 as required by Public Law 2005, Chapter 634. The agencies reported on the topics of communication and interoperability; school emergency preparedness; notification, evacuation and shelter planning; health system surge capacity; the local health officer system; regional resource centers; and a system for the advanced registration of volunteer health professionals.

In November 2006, the Task Force held two final work sessions to review the required agency reports, consider additional information and develop recommendations for the final Task Force report. The Task Force also proposed the legislation included as **Appendix C** for consideration by the 123<sup>rd</sup> Legislature. Background information on the meetings is included in **Appendix D**. A cross reference of the recommendations in the February 2006 interim report and laws enacted by the 122<sup>nd</sup> Legislature is included in **Appendix E**.

### III. TASK FORCE FINDINGS AND RECOMMENDATIONS

The Task Force members reviewed areas of homeland security and emergency preparedness as charged in Resolve 2005, Chapter 126. During deliberations in November 2006, Task Force members discussed the following findings and issued recommendations for consideration by the 123<sup>rd</sup> Legislature.<sup>5</sup>

#### A. School Emergency Preparedness

Tragic school shootings in Colorado, Wisconsin, and Pennsylvania; lessons learned on the Gulf Coast after Hurricane Katrina; and threats of violence that locked down or closed schools in many other states have heightened Americans' awareness of the need for schools to have appropriate emergency preparedness plans in place. At the federal level the Department of Homeland Security continues to emphasize the importance of school emergency preparedness. The U.S. Department of Education provides information to help teachers and school administrators across the country engage in all-hazards emergency planning to prepare for natural disasters, violent incidents and terrorist acts.<sup>6</sup>

In Maine, schools are beginning to embrace an all-hazards approach to their emergency planning, but more work needs to be done to increase the dialogue among teachers, administrators, students and members of the community in this area. Public Law 2005, Chapter 634 directed MEMA to work with Maine's Department of Education to determine which schools have adopted an all-hazards approach to emergency preparedness and to coordinate efforts for community outreach. It required the director of MEMA to report to the Task Force on the status of schools' emergency preparedness plans and make recommendations for improvements to these plans.

#### FINDINGS:

1. Status of School Emergency Plans – Overall the Task Force finds that some schools are actively engaged in preparing various emergency or crisis plans, but others are not. While many schools have specific plans for evacuation, bomb threats and violence among students, few have an all-hazards approach to emergency planning. Additionally, recent articles in the press about unauthorized persons entering and traversing schools without quick detection by school staff continue to raise concerns.<sup>7</sup>
2. School Emergency Plan Requirements – The Task Force finds that there are resources to help schools adequately prepare for all types of emergencies. The Maine Department of Education provides information and resources to help schools prepare

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<sup>5</sup> The February 2006 Task Force report included recommendations that were implemented by the 122<sup>nd</sup> Legislature. While this information is not in this report, a summary of the recommendations and reference to the enacted laws can be found in **Appendix E**. A complete copy of the February 2006 Interim Report can be obtained by contacting the Maine Legislature's Office of Policy and Legal Analysis at 207/287-1670 or online at [www.maine.gov/legis/opla/homsec.htm](http://www.maine.gov/legis/opla/homsec.htm).

<sup>6</sup> U.S. Department of Education website. [www.ed.gov/admins/lead/safety/emergencyplan/index.html](http://www.ed.gov/admins/lead/safety/emergencyplan/index.html).

<sup>7</sup> "In a Sun Journal investigation, 14 reporters fanned out to check the security at 37 schools across Androscoggin, Oxford and Franklin counties. A quarter of the schools did well - with locked doors, monitored entries and vigilant staff - but others showed gaping holes in security. Many failed to follow their own fundamental safety rules." Tice, Lindsay. "How long did it take your school to respond?" Lewiston Sun Journal, Sunday, November 5, 2006.

emergency and crisis management plans. In October and November of 2006, the department sent five letters to school superintendents addressing school safety and emergency preparedness plans. Also, MEMA provides tools and limited technical assistance to help school officials prepare these plans.

3. *Enforcement of School Emergency Plan Compliance* – The Task Force finds that emergency plans are part of the health and safety requirements for all schools and the Commissioner of Education has the authority to withhold approval of funding for schools if they do not comply. However, Title 20-A M.R.S.A. §1001, sub-§16 does not provide specific requirements for the content of school emergency plans or training requirements. Nor does it specifically require the involvement of local public safety officials in the development of and drills for the plans.

### **RECOMMENDATIONS:**

1. *School Emergency Plan Requirements* – The Task Force recommends requiring all schools to:
  - a. Complete, refine and regularly update emergency preparedness plans including: all-hazard response plans, plans for addressing school violence and bomb threats, off-site emergency plans and plans to address a pandemic event; and
  - b. Train staff, parents and students on the plans and hold regular drills on the plans.
2. *School Emergency Plan Approval* – The Task Force recommends requiring schools to seek approval of the plans from local public safety officials, including the local police or county sheriff’s office, the fire department, emergency medical services and emergency management agencies.
3. *Strengthen Commissioner’s ability to withhold funds* – The Task Force recommends reinforcement of the Commissioner of Education’s authority to deny school approval and state funding for non-compliance with reporting requirements by clarifying the obligation to have all-hazard emergency preparedness plans.

Draft legislation to implement these recommendations is included in **Appendix C**.

### **B. Communications and Interoperability**

Across the country, the lack of interoperable wireless communication systems has been and continues to be an area of concern. The term ‘interoperable communications’ is used to describe “...the ability to provide an uninterrupted flow of critical information among responding multi-disciplinary and multi-jurisdictional agencies at all levels of government before, during and after an event.”<sup>8</sup>

The 122<sup>nd</sup> Legislature addressed the need to achieve a state communications interoperability plan through Public Law 2005, Chapter 634 by requiring Maine’s Office of Information Technology (OIT) and MEMA to secure six state public radio frequencies

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<sup>8</sup> U.S. Department of Homeland Security, *Interoperability Continuum Brochure: A tool for improving emergency response communication and interoperability*. <http://www.safecomprogram.gov/SAFECOM/library/interoperabilitybasics>.

for use during emergencies and to develop a Concept of Operation for Incident Communications Interoperability (“CONOPS”) to serve as a guide for public safety agencies for “developing and employing interoperability through an effective Incident Communications program.”<sup>9</sup> Public safety officials, other agencies and first responders entered into the 2006-2007 CONOPS Memorandum of Agreement (MOA) regarding the protocols established in the CONOPS. In addition, Maine’s OIT has established a project, referred to as Maine State Communication Network System Program (MSCommNet Project) that will provide a multi-phase modernization of Maine’s current radio system.<sup>10</sup>

In November 2006, the Task Force assessed the progress made on the State’s communications systems and the interoperability of those systems. Additionally, the Task Force discussed the need for local buildings, especially large public buildings like schools and hospitals, to have systems in place to allow adequate communication among responders.

### **FINDINGS:**

1. *State Radio Interoperability and Infrastructure* – Overall, the Task Force finds that interoperability and infrastructure issues within the State’s radio network were addressed by Public law 2005, Chapter 634. The State of Maine’s CONOPS plan identifying six frequencies to support on-site communications and protocols for use during emergencies was updated July 16, 2006, and agreed to through the CONOPS MOA. MEMA has coordinated exercises testing the procedures and must assess state radio communication at least once every two years. Infrastructure issues are being addressed by the State Radio Network Board, and the State has undertaken a project to upgrade the entire state public safety radio system. Therefore, the Task Force makes no further recommendations for state radio interoperability and infrastructure.
2. *Local Emergency Communications* – The Task Force finds that there is limited information available about the need for local buildings, especially large public buildings like schools and hospitals, to have systems in place for adequate communication among responders.

### **RECOMMENDATIONS:**

1. *Assess Local Emergency Communications* – The Task Force recommends directing MEMA to gather information from local fire chiefs to identify local facilities posing communication challenges that have a high potential of being vulnerable to an emergency event and to evaluate the responses to determine needs.
2. *Report Findings and Recommendations for Local Emergency Communications* – The Task Force recommends requiring MEMA to report the findings and recommendations to the joint standing committee having jurisdiction over criminal

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<sup>9</sup> Maine’s Office of Information Technology and the Maine Emergency Management Agency. *Concept of Operations for Incident Communications Interoperability*, Version 2.1, July 19, 2006.

<sup>10</sup> Maine’s Office of Information Technology website. <http://www.maine.gov/oit/radio/mscommnet/index.htm>.

justice and public safety matters in September 1, 2007. Draft legislation to implement these recommendations is included in **Appendix C**.

### **C. Notification, Evacuation and Shelters**

The U.S. Department of Homeland Security declared in its November 23, 2005 *Preparedness Directorate Information Bulletin* that every state should have emergency response plans that contemplate evacuation of large numbers of evacuees, “including special needs groups in hospitals and nursing homes, or residents without access to transportation...as well as plans for sustenance of evacuees.”<sup>11</sup>

In the February 2006 Interim Report, the Task Force expressed concern about Maine’s notification systems, evacuation plans and sheltering capacity. Public Law 2005, Chapter 634 required MEMA to assess emergency notification systems throughout the State as well as evacuation plans for nursing homes, other long-term care facilities, and disabled or elderly individuals living at home that might require assistance to evacuate. In addition, the law required MEMA to review Maine’s sheltering capacity and resources with a focus on determining how shelters are designed to accommodate populations with special needs, particularly persons with disabilities.

#### **FINDINGS:**

1. *Notification Systems* – The Task Force finds that overall, notification systems appear to be sufficient in Maine for the general public. However, current notification systems do not adequately address the needs of persons with disabilities and others with special needs.
  - a. The State uses two federal emergency notification systems: 1) the National Warning System (NAWAS) and 2) the National Oceanic, and Atmospheric Administration (NOAA) Weather Radio. NOAA radios have been provided to Maine schools and are available to the public for a nominal fee.
  - b. State emergency notification systems include the Emergency Alerting System (EAS), the Health System Alert Network (HAN), the Maine Turnpike Authority’s messages boards and the Department of Transportation’s portable message boards. Reverse 9-1-1 is available in a few communities including Portland, South Portland and Wells. Also, the 2-1-1 system, which is a three-digit phone number reserved nationwide to allow people to receive essential information following a natural disaster, terrorist attack or other emergency, was established in Maine on July 1, 2006.
  - c. County Emergency Management Agencies (EMAs) have procedures to disseminate information, but municipalities ultimately have the responsibility for the local notification or alert policies.

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<sup>11</sup> U.S. Department of Homeland Security. Preparedness Directorate Information Bulletin, No. 197, November 23, 2005.

- d. MEMA estimates that 30% or less of Maine communities use sirens or other public warning devices. Some communities have public safety vehicles that are equipped with public address capabilities. Many communities consider door-to-door notification best, but some communities often cannot do this due to limited time, staffing issues and competing priorities during emergencies.
  - e. While notification systems are in place to address some of the needs of persons with disabilities and populations with other special needs, there are gaps that need to be addressed to protect some of Maine's most vulnerable people. Maine's Center on Deafness provides pagers and other emergency alert devices for people who are hearing impaired. However, hearing-impaired persons must request the devices and register for the service. While there is some financial assistance for low-income persons to access the pager program, the equipment and service is not free. This may be a barrier for the state's poorest residents to access the service. Some communities have initiated voluntary registration of people who would require special assistance in an emergency. Although this information may be made to the Public Safety Answering Point (PSAP) or dispatchers, there still may not be time to contact the individuals by phone or to go to their homes. Therefore, these registries may have limited use for notification and evacuation.<sup>12</sup>
2. *Evacuation Plans* – The Task Force finds that most evacuation plans appear to be sufficient in Maine. However, it is unclear whether local emergency plans adequately address the need to assist people without transportation including disabled people and other populations with special needs.
- a. A municipality has full authority over emergency operations, including evacuations, within its boundaries. Local officials may request evacuation coordination assistance from the county EMA when multiple jurisdictions are involved. The county requests assistance from the State when county resources are exhausted.<sup>13</sup>
  - b. Facilities such as schools, nursing homes and hospitals are required to have evacuation plans. MEMA's survey of school superintendents indicates that more than 95% of the schools responding have evacuation plans or are currently developing plans. Hospitals and skilled care nursing homes submit evacuation plans to their licensing bodies. MEMA has provided training for nursing facilities and developed a list of emergency planning requirements that are applicable to nursing/residential health care facilities.<sup>14</sup>
  - c. MEMA and the U.S. Army Corp of Engineers are currently identifying the coastal flood plains and storm surge areas to help local emergency planners identify possible impact areas and safe evacuation routes.<sup>15</sup>
  - d. Emergency planners do not know how many people, including those with disabilities or other special needs, are without transportation. It is not clear how well municipal officials and emergency plans are addressing this issue.<sup>16</sup>

<sup>12</sup> Maine Emergency Management Agency. *Report in Response to Public Law 2005, c 634*. September 15, 2006.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> Maine Emergency Management Agency. Testimony from the MEMA interim director and staff to the Task Force on November 14 and November 16, 2006.

3. *Shelter Status* – The Task Force finds that overall, sheltering plans appear to be sufficient in Maine. However, there is currently only one known pet-friendly shelter and it is unclear whether local emergency plans adequately address the need to provide on-going medical care and assistance to persons with disabilities or other special needs while they reside in shelters.
  - a. The American Red Cross (ARC) has responsibility for most sheltering and mass care in Maine. According to MEMA’s assessment of ARC shelters by county, there are 563 ARC shelters with a capacity to shelter 140,195 people.
  - b. There is only one known pet-friendly shelter in Maine, and it is unclear whether local plans address the need to shelter persons or families who do not want to leave pets behind. Emergency planners learned, through the experience of Hurricane Katrina and other events, that some people will not evacuate or go to shelters without their pets. While planning to accommodate pets, it is important to consider the ability to separate persons with allergies or others who cannot be around animals for some other reason. All ARC shelters must accommodate disability assistance animals.
  - c. Although the sites that ARC approves for use as shelter must meet the minimum American’s with Disabilities Act (ADA) requirements for accessibility, ARC shelters have limitations on medical care and are not required to address special needs. It is unclear whether local plans address these needs.
  - d. Emergency management and advocacy groups for persons with disabilities are currently working on the issue of providing appropriate shelters for persons with special needs.<sup>17</sup>

### RECOMMENDATIONS:

1. *Notification Systems* – The Task Force recommends improving notification systems for people with disabilities and others with special needs who may not receive adequate notification through traditional systems by:
  - a. Providing emergency notification pagers and services at no cost to qualifying low income persons who are hearing-impaired or deaf.
  - b. Requiring MEMA to work with the Maine Developmental Disabilities Council to develop an appropriate disability indicator system for Maine, including a funding mechanism, that allows persons with disabilities and special health needs to provide a code identifying special assistance needed in an emergency and report on the status of the system and any legislative changes needed to the joint standing committee having jurisdiction over criminal justice and public safety matters by July 1, 2007.

Draft legislation addressing the notification of persons with disabilities and other special needs is included in **Appendix C**.

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<sup>16</sup> Ibid.

<sup>17</sup> Maine Emergency Management Agency. Testimony from the MEMA interim director and staff to the Task Force on November 14 and November 16, 2006.

2. Evacuation Plans – The Task Force recommends that MEMA work with local emergency planners to ensure that, by January 1, 2008, local emergency plans address the need to transport people who do not have transportation during an evacuation including those with disabilities or special needs and that MEMA report on the status of this work and on recommendations, including any necessary legislation, to the joint standing committee having jurisdiction over criminal justice and public safety matters by September 1, 2007. Draft legislation is included in **Appendix C**.
3. Shelter Capacity – To improve evacuation plans, the Task Force recommends that MEMA work with local emergency planners and by September 1, 2007, report to the joint standing committee having jurisdiction over criminal justice and public safety matters on recommendations, including any necessary legislation, to ensure that by January 1, 2008, local emergency plans include:
  - a. Accommodations for pets in evacuation and sheltering plans and require every county to have at least one shelter designed to accommodate people and families with pets; and
  - b. Specific plans to address the need to care for people with on-going medical needs who temporarily reside in ARC or other shelters, including the persons with disabilities and people requiring medical care that are transferred from hospitals, nursing homes and their own residences.

Draft legislation to address sheltering for families with pets and plans for the care of persons with on-going medical needs is included in **Appendix C**.

#### **D. Impact Maine National Guard and Reserve Deployment**

Resolve 2005, Chapter 126 required the Task Force to review the impact of Maine's National Guard and Reserve deployments abroad on Maine's emergency preparedness. During the public hearing in Wells on September 13, 2006, the Task Force received testimony from local officials that indicated that Maine's National Guard was available and responded well to the flood event in May 2006. In November, General John Libby, Commissioner of the Maine Department of Defense, Veterans and Emergency Management provided testimony indicating that the ability of the National Guard was not negatively impacted due to deployment. He indicated that during the 1998 ice storm, approximately 931 guard members were deployed statewide to assist with the emergency. Even during times of higher deployment abroad (highest in Maine was approximately 750), Maine still has adequate resource to respond due to the Emergency Management Assistance Compact. Also, a Task Force member, who serves in the National Guard, provided information supporting this testimony.

#### **FINDINGS:**

1. No Negative Impact on Emergency Readiness – The Task Force finds that the deployment of Maine's National Guard and Reserve troops has not negatively impacted the ability of the National Guard to respond to State emergencies. Maine has approximately 3,300 guard positions including 809 full-time positions. As of the

time of this report, approximately 370 members of the guard are deployed to Iraq or Afghanistan leaving approximately 2,000 guard members available for assistance within the State in the event of a catastrophic emergency.

2. *Emergency Management Assistance Compact (EMAC)* – The Task Force finds that even at higher levels of deployment, the National Guard would still have sufficient resources to respond to state emergencies due to the EMAC for interstate mutual aid.
3. *Canadian Mutual Aid Agreement in Process* – The Task Force finds that Maine officials and officials from other states bordering Canada are also working on an international mutual aid agreement, which will require congressional approval.

Testimony at the public hearing in Wells, information from a Task Force member who is a member of the National Guard and the testimony from the Adjutant General directly responsible for National Guard forces in Maine indicated that deployment has not impacted the State's ability to respond to an emergency. Therefore, the Task Force makes no recommendations in this area.

## **E. Infrastructure**

One of the most dramatic lessons from Hurricane Katrina came as the waters of Lake Pontchartrain rose and eventually pushed through the levees designed to protect New Orleans. Planners knew the levees were only designed to withstand a category 3 hurricane and yet the inadequate infrastructure was not addressed until there was great loss of life and property. This tragedy drove home the lesson that levees, dams, flood zones, building codes, and other infrastructure-related issues need to be addressed in emergency preparedness planning.

During the Task Force meeting in Wells on September 13, 2006, which focused on lessons learned from the southern Maine flooding in May 2006, testimony from public officials and emergency management planners highlighted issues related to Maine's infrastructure. During the flood areas around the Mousam River were evacuated as the river rose quickly. Bridges were damaged and downtown York Beach was underwater. Severe flooding was reported in the Kennebunk area. The Spaulding Dam along the lower Salmon Falls River near Lebanon was also in danger of bursting, which led to the evacuation of portions of the community. Estimates of damage to public infrastructure, including roads and bridges, came in at \$2.3 million in Wells, \$1.3 million in York and \$1 million in Ogunquit.<sup>18</sup> Public officials noted the need to ensure dams and bridges are safe, that rivers have necessary rain gages and that fuel tanks need to be secured and have shut-off valves because some became dislodged during the flooding.

MEMA indicated that more staff is needed to inspect dams. MEMA plans to request funding for two additional positions to support the dam safety program. The federal government will fund 50% of the cost of the positions. In addition, MEMA staff indicated that while there are rain gages on many rivers, there are six rain gages that need to be

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<sup>18</sup>Aull, Elbert. *The Mop Up Begins*. Portland Press Herald, Thursday, May 18, 2006.

installed on rivers in York and Cumberland counties. In addition to the scientific data that the gages collect, MEMA officials believe the information helps persuade residents to evacuate. It helps people understand the magnitude of a river rising when quantitative data supports emergency management officials' evacuation advice. MEMA planners suggested that even though fuel tanks were dislodged during the flooding there may be other safety reasons for not securing fuel tanks.

### **FINDINGS:**

1. *Dam Safety and Inspections* – The Task Force finds that dams in Maine need to be inspected more often and the lag in timely inspections is due to lack of staffing resources. The federal government will fund half of the cost of MEMA's two proposed positions. However, tight fiscal resources and an anticipated structural gap (difference between projected revenue and appropriations) in Maine's budget make finding a funding source other than the General Fund necessary.
2. *Rain Gages* – The Task Force finds while there are rain gages on many rivers, the number of gages on rivers in York and Cumberland counties is insufficient for emergency management purposes.
3. *Connecting Fuel Tanks to Buildings* – The Task Force finds that there are concerns about whether fuel tanks should be connected to buildings or secured in some other way and whether emergency shut off valves on the tank should be required. However, there may be safety issues related to securing the tanks and experts should be consulted to further understand the issue.

### **RECOMMENDATIONS:**

1. *Dam Safety and Inspections* – The Task Force recommends providing additional dam safety inspection staff at MEMA to ensure the safety of Maine's dams, contingent upon the creation a funding mechanism to pay for the inspections and recommends a fee structure that charges: municipalities \$1,000 annually for each high or significant risk dam owned; private dam owners \$250 for each of their high or significant risk dams; and \$40 for all other private and municipal dams. Proposed legislation is included in **Appendix C**.
2. *Rain Gages* – The Task Force recommends supporting the funding of six additional rain gages on Maine rivers in Cumberland and York counties. Proposed legislation is included in **Appendix C**.
3. *Connecting Fuel Tanks to Buildings* – The Task Force recommends requiring MEMA to consult with experts at Maine's Department of Professional and Financial Regulation (DPFR) and Department of Environmental Protection (DEP) who are involved with the regulation of fuel tanks, including fuel oil and propane, and report recommendations, including any necessary legislation, by September 1, 2007, to the Governor's Homeland Security Advisory Council (HSAC) on whether fuel tanks should be connected to buildings and have emergency shut off valves. Proposed legislation is included in **Appendix C**.

## F. Ports and Airports Security

The role of protecting ports and airports and ensuring that facilities and first responders are prepared for acts of terrorism and natural disasters is multi-jurisdictional. After September 11, 2001, the federal Transportation Security Administration (TSA) became responsible for security for all sectors of transportation, but the major focus of the TSA has been airport security. While ports were previously a relatively low priority at the U.S. Department of Homeland Security, the Safe Port Act of 2006 (also referred to as the GreenLane Maritime Cargo Security Act), authored by Senator Susan Collins and signed into law by the President in October, made great strides in national port protection.

Although the national focus has been on the nation's largest airports and ports, the 1996 Julie N. oil spill and the use of Portland jetport by terrorists on September 11, 2001 emphasize that Maine is vulnerable to these types of events as well. The Julie N. oil spill, considered the worst oil spill in the history of Maine's Portland Harbor, was caused by human error. The September 27 collision with a draw bridge caused the tanker to spill 168,000 gallons of oil into Portland Harbor. The costs of clean-up were estimated at \$34 million.<sup>19</sup> However, during the September 8 Task Force meeting in Portland a Coast Guard official indicated that responders were well trained and successful in containing the spill and minimizing the damage.

In 2001, al-Qaida terrorists Mohammed Atta and Abdul-Azzia Al-Omari drove to Portland International Jetport and boarded a 6:00 a.m. commuter flight to Boston's Logan International Airport. They later took control of American Airlines Flight 11 and crashed the plane into the North Tower of the World Trade Center as part of the September 11 attacks that killed nearly 3,000 people.<sup>20</sup> Post event assessments found that the Portland Jetport staff had followed all the procedures and protocols in place at the time. Since that time the federal Transportation Security Administration has dispatched security officers, inspectors, directors, air marshals and managers to secure the nation's airports.<sup>21</sup>

The Task Force evaluated the preparedness of Maine's ports and airports to identify any gaps in security and emergency preparedness. More than a dozen public officials and business representatives provided information to the Task Force on the security of Maine's ports at the Portland Task Force meeting held on September 8, 2006. Testimony covered issues related to Maine's role in international shipping and commerce and factors related to challenges of port security planning. The City of Portland uses an "all-hazards" approach for port incidents and follows the principles of National Incident Management System. Local public health officials are involved in emergency planning for ports and standard operating procedures include public health mitigation such as understanding the capacity to deal with mass illness among passengers on a ship. A representative of the Portland-Montreal Pipe Line, which has facilities in the Port of Portland, indicated that private facilities are regulated by Part 105 Maritime Security in Subchapter H of Title 33,

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<sup>19</sup> Baker, Tanya, et.al. *Maine's Recovery of Recreation Damages Due to Oil Spills*. Maine Oil Spill Advisory Committee. Augusta 2005.

<sup>20</sup> National Commission on Terrorist Attacks Upon the United States. The Aviation Security System and the 9/11 Attacks, Staff Statement No. 3. Commission public hearing on "Borders, Transportation, and Managing Risk." January 26-27, 2004 in Washington, DC. [http://www.9-11commission.gov/staff\\_statements/index.htm](http://www.9-11commission.gov/staff_statements/index.htm)

<sup>21</sup> Captain Jeff Monroe, Director of Transportation, City of Portland. Testimony to the Task Force on September 8, 2006.

Code of Federal Regulations. Facilities are required to have a “Facility Security Plan” in place, which is approved and monitored through audits by the U.S. Coast Guard.

### **FINDINGS:**

1. *Federal Responsibility* – The Task Force finds that the federal Transportation Security Administration (TSA) is responsible for security for all sectors of transportation, but the major focus of the TSA has been airport security. However, the U.S. Department of Homeland Security, the Safe Port Act of 2006 has increased national port protection.
2. *Multi-Jurisdictional Coordination* – The Task Force finds that protecting ports and airports and ensuring they are prepared for human-made and natural disaster is a multi-jurisdictional issue. The key to success is the involvement of local, state and federal officials. The Task Force finds that local and state officials appear to be coordinating well with each other and federal government agencies. In addition, appropriate plans appear to be in place. Therefore, the Task Force makes no recommendations related to ports and airports.

### **G. Governor’s Homeland Security Advisory Council**

The Governor’s Homeland Security Advisory Council (HSAC) was created by executive order and codified by Public Law 2005, Chapter 634. The charge of the HSAC is to advise the Governor on the coordination of homeland security activities of state agencies and the most effective use of grant funds. The members of HSAC include: the Director of MEMA; the Commissioner of the Department of Defense, Veterans and Emergency Management; the Commissioner of the Department of Public Safety, the Director of the Bureau of Health within the Department of Health and Human Services; the Chief of the State Police within the Department of Public Safety; and a representative of the Governor’s office.

The duties of the HSAC include advising the Governor on: the vulnerability of the State to terrorist activity; the adequacy of the plans to enhance homeland security; the coordination of homeland security activities among state agencies; the appropriateness of the federal homeland security threat advisory level for the State; the appropriate response to any terrorist threat; and the pertinent information needed by an emergency response team to respond to an event.<sup>22</sup>

In addition, Public Law 2005, Chapter 634 required the HSAC to receive a report from the Maine CDC on the planning related to the expenditure of all federal funds received by the Maine CDC for homeland security emergency preparedness purposes or for the prevention of bioterrorism and provide a report annually, beginning December 15, 2006. In turn, the advisor for the HSAC shall report by January 15<sup>th</sup> of each year, beginning in 2007, on the expenditure of such funds to the joint standing committees of

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<sup>22</sup> Public Law 2005, c 634.

the Legislature having jurisdiction over health and human services matters and over criminal justice and public safety matters. The report must include, but is not limited to, the amount of funds expended in the prior year, the purpose of those expenditures, the effect of those expenditures on homeland security and bioterrorism prevention and the plans for coordination with the Maine Emergency Management Agency for the expenditure of the funds received or anticipated for such purposes in the two years following submission of the report.

In November, the Task Force received an update on HSAC meetings and activities that included the coordinating the update of package handling guidelines and state response to the Ricin scare of 2004.

### **FINDINGS:**

1. *HSAC Coordination of Agencies* – The Task Force finds that the HSAC has acted as a coordinating body to ensure that the emergency management, public safety, and public health partners are working cooperatively and the HSAC meetings are a good forum to bring all the stakeholders together to discuss issues and challenges.
2. *Communication with Legislature* – The Task Force finds that while the HSAC is required to report the planning and expenditure of all federal funds received by the Maine CDC to the Legislature, there is no mechanism in place for the Legislature to receive information on the HSAC's other non-proprietary activities or give the HSAC feedback.

### **RECOMMENDATIONS:**

1. *Annual Report* – The Task Force recommends that the HSAC prepare a comprehensive annual report beginning January 15, 2008 and submit it to the joint standing committees having jurisdiction over criminal justice and public safety matters and over health and human services matters each year.
2. *Report Content* – The Task Force recommends that the report include comprehensive information on homeland security training and communication exercises and other homeland security initiatives as well as recommendations to make Maine safer and, if needed, any legislation to implement recommendations. Proposed legislation is included in **Appendix C** of this report.

## **H. Surge Capacity, Local Health Officers and the Public Health System**

Evaluating how well the medical and public health systems in the United States will respond to a major emergency or disaster with human casualties is a challenging task. Hospitals must prepare for events that could cause a dramatic increase in the numbers of patients and victims with specialized medical needs. In the event of a disaster, hospitals will be required to rapidly transform their facilities to accommodate the maximum number of patients they can possibly handle. Accordingly, medical surge capacity is an important piece of emergency preparedness planning as well as the coordination of public

health officials at the local and state level. Surge capacity is “...generally defined as the relative ability of any organization or entity to continue to provide services when challenged by demands for...services that are significantly beyond ongoing capacity.”<sup>23</sup>

In 2002, The United States Congress allocated funds to the Centers for Disease Control (CDC), and the Department of Health and Human Services, Health Resources and Services Administration (HRSA) in an effort to channel funding to the states for emergency preparedness initiatives. The HRSA grant program is entitled the National Bioterrorism Hospital Preparedness Program and its purpose is “...to prepare hospitals and supporting healthcare systems, in collaboration with other partners, to deliver coordinated and effective care to victims of terrorism and other public health emergencies.”<sup>24</sup>

The CDC Public Health Emergency Preparedness Program (PHEPP) is designed to upgrade and integrate “...state and local public health jurisdictions’ preparedness for and response to terrorism, pandemic influenza and other public health emergencies with federal, state, local, and tribal governments, the private sector, and Non-Governmental Organizations (NGOs).”<sup>25</sup> These emergency preparedness and response efforts are intended to support the National Response Plan (NRP) and the National Incident Management System (NIMS).

In the February 2006 Interim Report the Task Force expressed concern about Maine’s surge capacity. Public Law 2005, Chapter 634 required the Maine CDC to assess emergency health system capacity in Maine and develop recommendations to address Maine’s acute medical and public health surge capacity. In addition, the law required the Maine CDC to study the qualifications and duties of local health officers (LHOs) and develop recommendations for enhancing the role of local health officers in emergency preparedness plans. It also required an assessment of the health professional volunteer registry and the HRSA grant funding to regional hospitals. In November 2006, the Task Force received the CDC’s report along with additional information and made the following findings and recommendations.

### **FINDINGS:**

1. Surge Capacity – Task Force finds the following.
  - a. The Maine health care system is capable of responding well to events that require minimal surge capacity but is well below surge requirements for moderate or high

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<sup>23</sup> Maine Center for Disease Control and Prevention, *Report on Surge Capacity to the Task Force to Study Maine’s Homeland Security Needs*, pursuant to Public Law 2005, c 634. September 2006.

<sup>24</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration. *National Bioterrorism Hospital Preparedness Program (NBHPP)*. <http://www.hrsa.gov/bioterrorism/default.htm>.

<sup>25</sup> U.S. Department of Health and Human Services, Center for Disease Control and Prevention. *Cooperative Agreement for Public Health Emergency Preparedness Program Announcement AA154 – July 15, 2006*. <http://www.bt.cdc.gov/planning/coopagreement/pdf/fy06announcement.pdf>.

impact events.<sup>26</sup> Of greatest concern to the Maine CDC is a surge related to pandemic.<sup>27</sup>

- b. According to the CDC assessment in 2006, Maine hospitals responding to their survey employ approximately 15,000 medical personnel, have approximately 3,900 licensed beds, 3,300 staffed beds and an average daily census of 2,350. The CDC's report shows increased capacity over the year 2004 in the central and southern regions. Decreased capacity in the eastern region attributed to hospitals converted to Critical Access Hospitals (CAH). However, since more hospitals reported data in 2006 than in 2004 and there was some data inconsistency, comparison between years may not be a true indicator of the change in capacity. The Maine Hospital Association (MHA) conducted analysis of data submitted to the American Hospital Association (AHA) by all Maine hospitals in 2004 and 2005. MHA concludes that that "statewide, Maine does not meet the HRSA surge capacity benchmark" and that, using the AHA data, only eastern Maine met the benchmark in 2005. A memorandum with more information on the MHA concerns is included as **Appendix G**.
- c. The CDC is undertaking a number of initiatives and made 15 recommendations to increase surge capacity.<sup>28</sup> Since the CDC is currently implementing these recommendations and no legislative action is required, the Task Force makes no formal recommendation related to surge capacity in this report.

2. Local Health Officer (LHO) Statutes – The Task Force finds the following.

- a. Many LHOs are insufficiently trained and do not have adequate qualifications. Even LHOs that are qualified do not always have the tools necessary to fulfill community expectations and to help support state emergency preparedness and homeland security initiatives.<sup>29</sup>
- b. The statutes outlining the role of LHOs are unclear, confusing and often redundant.<sup>30</sup>
- c. The Public Health Work Group (PHWG), created under the State Health Plan, is engaged in work with the LHOs and comprehensive community health coalitions in planning issues that may affect the LHO system in Maine.<sup>31</sup>

3. Health Professional Volunteer Registry – The Task Force finds the following.

- a. The Task Force acknowledges the critical need for professional health care staff to be available in the event of an emergency and believes that the development of a health professional volunteer registry is a step toward addressing this need. The CDC receives funds to develop systems that comply with the federal standards for

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<sup>26</sup> Maine Center for Disease Control and Prevention. *Report on Surge Capacity to the Task Force to Study Maine's Homeland Security Needs*, pursuant to Public Law 2005, c 634. September 2006.

<sup>27</sup> Maine Center For Disease Control and Prevention. Testimony of CDC director and staff to Task Force during meeting on November 14, 2006.

<sup>28</sup> Maine Center for Disease Control and Prevention. *Report on Surge Capacity to the Task Force to Study Maine's Homeland Security Needs*, pursuant to Public Law 2005, c 634. September 2006.

<sup>29</sup> Maine Center for Disease Control and Prevention. *Report on Local Health Officers in Maine to the Task Force to Study Maine's Homeland Security Needs*, pursuant to Public Law 2005, c 634. September 2006.

<sup>30</sup> Ibid.

<sup>31</sup> Governor's Office of Health Policy and Finance, Testimony of director to Task Force during meetings on November 14, 2006.

- a national registration system that is known as the Emergency System for Advance Registration of Voluntary Health Professionals (ESAR VHP).<sup>32</sup>
- b. The national system, which began in January 2005, is being developed in three phases. The State of Maine is included in the third phase, which began in August 2006. The CDC believes the work on the state system will be completed well before the deadline established by the federal government.<sup>33</sup>
  - c. Since no legislative action is required to finalize this work, the Task Force makes no recommendations in this report.
4. Regional Resource Centers (RCC) and HRSA – The Task Force finds the following.
- a. RCCs spent \$ 2,774,194 for personnel, consultants, and operating costs from February 1, 2004 to June 30, 2006 and \$4,367,587 for capital expenditures to address high priority health care system needs for emergency preparedness including communications equipment, personal protective equipment and capital improvements or purchases to ensure isolation capacity for EMS and hospitals.<sup>34</sup>
  - b. The combined RCC capital expenditures included \$228,000 for hospital bed capacity, \$899,349 for isolation capacity, \$73,148 for healthcare personnel, \$97,770 for pharmaceutical caches, \$1,432,819 for personal protective equipment, \$333,534 for decontamination systems, \$464,601 for trauma and burn care and \$533,051 for communication and information technology.<sup>35</sup>
  - c. Public Law 2005, Chapter 634 requires the CDC to report information on the HRSA funds to the HSAC annually, which in turn reports information to the legislative joint standing committees of jurisdiction.
  - d. Since no legislative action is require to finalize this work, the Task Force makes no recommendations in this report.

### RECOMMENDATIONS:

1. Local Health Officer (LHO) Qualifications – The Task Force recommends that the director of the Maine CDC, in conjunction with the PHWG and others study and specify standards for local health officer qualifications and report these proposed standards, including any necessary legislation, to the HSAC and the joint standing committee having jurisdiction over health and human services matters by June 1, 2007. The qualification standards must be codified by June 1, 2008.
2. Local Health Officer (LHO) System – The Task Force recommendations PHWG report its progress to the HSAC and to the joint standing committee having

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<sup>32</sup> Maine Center for Disease Control and Prevention. *Report on Emergency System for Advance Registration of Voluntary Health Professionals to the Task Force to Study Maine's Homeland Security Needs*, pursuant to Public Law 2005, c 634. September 2006.

<sup>33</sup> Ibid.

<sup>34</sup> Maine Center for Disease Control and Prevention, *Report on Regional Resource Centers and Other Health System Resources to the Task Force to Study Maine's Homeland Security Needs*, pursuant to Public Law 2005, c 634. September 2006

<sup>35</sup> Ibid.

jurisdiction over health and human services matters and consider the following initiatives:

- Development of a strong local health officer system that is able function independently of the Maine CDC, if necessary, during an emergency and that supports the county-based emergency management agency and homeland security counterparts;
- Development of training and support for local health officers to ensure that the 16 county emergency management agencies each have a competent local health liaison, including clarification of the role of local health officers in emergency preparedness and response and recovery;
- Implementation of pilot projects at the county or multi-county level to establish official health agencies, which would serve as the official public health liaison during emergencies and would provide an official boundary of local government jurisdiction in the public health arena;
- Certification of 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
- Adoption and implementation of the National Public Health Performance Standards and the standards of the National Association of County and City Health Officials for ensuring the competency of individuals and agencies.

## **I. Homeland Security Funds**

Maine's homeland security and emergency preparedness initiatives have been supported by several federal grant programs and state funds and have been staffed by multiple state agencies in coordination with federal partners such as the Federal Emergency Management Agency (FEMA), the U.S. Coast Guard and the federal Center for Disease Control and Prevention.

MEMA receives federal grant funds, including the Emergency Management Performance Grant (EMPG), the State Homeland Security Program (SHSP), the Law Enforcement Terrorism Prevention Program (LETPP) and the Citizen Corps Program (CCP). In addition, Maine is part of the Northeast Metropolitan Medical Response System (MMRS), which also receives federal funding. This grant is administered by Dartmouth College and MEMA signs an annual Memorandum of Understanding related to the MMRS funding.<sup>36</sup>

The Maine CDC receives funds from the U.S. Department of Health and Human Services (DHHS) for a variety of public health purposes including prevention and planning. Additionally, Maine's CDC receives specific funding from DHHS's Health Resources and Services Administration (HRSA) through the National Bioterrorism Hospital Preparedness Program (NBHPP), also referred to as the HRSA Cooperative Agreement funds. The NBHPP enhances the ability of hospitals and health care systems

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<sup>36</sup> Maine Emergency Management Agency. FY 2007 Homeland Security Grant Outlook. Briefing paper provided during testimony to the Task Force on November 14, 2006.

to prepare for and respond to bioterrorism and other public health emergencies and is the primary source of funding for hospital preparedness. Program priority areas include improving bed and personnel surge capacity, decontamination capabilities, isolation capacity, pharmaceutical supplies, and supporting training, education, and drills and exercises.<sup>37</sup> Nationally, HRSA funding has decreased by more than \$6.5 million since FY 2004.<sup>38</sup> Hospital preparedness is also supported by Cooperative Agreement funding from the U.S. Center for Disease Control and Prevention (U.S. CDC) and are primarily used to strengthen public health preparedness and response efforts. MEMA and Maine's CDC are responsible for administering their respective federal funds and ensuring that grant spending complies with the federal requirements.

In addition to federal funding, Maine's Disaster Relief Recovery Fund was created to establish a funding resource that could be used to response to a disaster or emergency that is declared by a proclamation of the Governor or in the event of a major disaster in Maine that is declared by a Presidential proclamation.<sup>39</sup> The Governor may transfer up to \$3 million to the Disaster Relief Fund in the event of a large scale emergency, where the State incurs damages that fall short of the federal aid threshold or when state match for federal aid is needed for a federally declared disaster.

The Task Force assessed the status of the funding available for homeland security, emergency task management and health system preparedness as well as the staffing and budgetary needs of MEMA. In testimony to the Task Force, MEMA indicated that the agency needs to create federally funded positions to support Maine's Fusion Center. The center is a cooperative initiative designed to analyze, share and coordinate intelligence information between local, state and federal law enforcement agencies. It is funded with \$200,000 in federal homeland security grants funds and housed in the same public-safety building as MEMA and the Maine State Police.<sup>40</sup>

### FINDINGS:

1. *Federal Funding to MEMA* – The Task Force finds that the federal fiscal year 2007 Homeland Security Appropriations bill signed into law by President Bush in October 2006 impacts the funds awarded to MEMA resulting in a net decrease for the State. MEMA officials expect a slight increase in EMPG funding, but a decrease in SHSP funds that is a \$4 million reduction from Maine's fiscal year 2005 award. In addition, MEMA officials expect funding from LETPP and CCP grants to decline by \$85,000 and \$194,000, respectively. Overall Maine is receiving approximately \$14.6 million less in fiscal year 2006 than the State did in fiscal year 2004. A summary of federal homeland security funding is included in **Appendix F**. In addition, the Task Force finds that two federally funded positions need to be created at MEMA to support Maine's Fusion Center.

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<sup>37</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) website. <http://www.hrsa.gov/bioterrorism>.

<sup>38</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) website. <http://www.hrsa.gov/bioterrorism>.

<sup>39</sup> 37-B M.R.S.A. §§ 741 – 745.

<sup>40</sup> Jansen, Bart. *Fusion adds to security at border; Information-sharing by agencies is considered essential to effective homeland security*. Portland Press Herald, October 16 2006.

2. *Federal Funding to CDC* – The Task Force finds that the HRSA Cooperative Agreement funds provided to the Maine CDC have declined by \$509,216 from \$2,943,648 in 2004 to \$2,434,432 in 2006. In past years, the Maine CDC used these funds for several activities at the state and regional level, including providing approximately \$4.3 million for equipment and supplies to help the regional hospitals designated as Regional Resource Centers (RCC) enhance surge capacity. Funds from the U.S. CDC have declined by \$496,433 from a high of \$6,500,561 in 2004 to \$6,004,128 in 2006, which when combined with the lost HRSA dollars totals a \$1,005,649 decline in federal funds for health system preparedness in Maine. In addition to the decrease in overall HRSA funds, the National Bioterrorism Preparedness Program has changed from a continuation grant in federal fiscal years 2004 and 2005 to a competitive process in FY 2006.<sup>41</sup> Therefore, the exact impact on the amount Maine will receive is unknown at this time and the Task Force remains concerned about funding available to develop surge capacity.. However, Public Law 2005, Chapter 634 enhanced the oversight and coordination of these funds by requiring the CDC to coordinate with MEMA and report annually to the Governor’s Homeland Security Advisory Council (HSAC), which in turn must present a report on past expenditures and a plan for future expenditures to the joint standing committee having jurisdiction over criminal justice and public safety matters and the joint standing committee having jurisdiction over health and human service matters annually. Therefore, the Task Force finds that appropriate mechanisms for oversight and coordination are in place and makes no additional recommendations related to the HRSA funds.
  
3. *Maine’s Disaster Relief Recovery Fund* – The Task Force finds that an appropriate funding source and executive branch authorization was granted by Public Law 2005, Chapter 634. The law established part of the rental income collected from leasing the facilities at the former Loring Air Force Base in Limestone as the funding source and authorizes the Governor to transfer up to \$3 million to the Disaster Relief Fund within a state fiscal year, with the restriction that no more than \$3 million may be expended from the Disaster Relief Fund during any state fiscal year. The Task Force finds that the law should be implemented through rulemaking approved by the Legislature.

#### RECOMMENDATIONS:

1. *Request Shift in Federal Homeland Security Funding* – Since funding levels are determined at the federal level, the Task Force recommends that the 123<sup>rd</sup> Legislature issue a joint resolution memorializing Congress and the President of the United States to shift Homeland Security funding priorities and support the equitable distribution of homeland security funds. A draft joint resolution is included in **Appendix C**.
2. *Maine’s Disaster Relief Recovery Fund* – The Task Force recommends that the 123<sup>rd</sup> Legislature require MEMA to adopt major substantive rules governing the transfer of

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<sup>41</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) website. <http://www.hrsa.gov/bioterrorism>

funds to the Disaster Relief Recovery Fund and the expenditure of those funds. Draft legislation requiring major substantive rules is included in **Appendix C**.

## **CONCLUSIONS AND ACKNOWLEDGEMENTS**

The Task Force believes that Maine is doing better than most states in planning, coordinating and preparing for terrorist threats, natural and human-made disasters and other public health emergencies. Recently, the 122<sup>nd</sup> Legislature further strengthened the security of the State by enacting laws that the Task Force recommended. The actions recommended in this report will continue to improve this work and put additional mechanisms in place to ensure that we have appropriate funding, equipment, coordination and oversight to keep Maine families safe.

We would like to thank the many people who traveled to our various public hearings to provide testimony and input. In addition, we appreciate the information and testimony of the many local, state and federal officials who are involved in this important work. Finally, we want to give special thanks to the people who helped us coordinate and organize our meetings throughout the state. Thank you for welcoming us into your communities and supporting the effort to make Maine a safer place.

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



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

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

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

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

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

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

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

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

1. Two Senators, who may not be members of the same political party, appointed by the President of the Senate;
2. Four members of the House of Representatives, who may not all be members of the same political party, appointed by the Speaker of the House; and
3. Five members representing the public interest who are not directly involved in emergency preparedness or homeland security, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives and 3 members appointed by the Governor; and be it further

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

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which ma

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

1. Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security;

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

3. As part of its review of needs and preparedness, receive a report on the status of the Maine's Homeland Security Task Force report on its vision and plans and the status of those plans as of May 2005;

4. Hold at least 2 of its meetings outside of Augusta and provide an opportunity for public comment at those meetings; and

5. Review ways to improve the flow of information to the Legislature and the general public about Maine's homeland security needs and preparedness; and be it further

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

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

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

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

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

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

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

**LEGISLATURE**

**Miscellaneous Studies 0444**

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

OTHER SPECIAL REVENUE FUNDS

	<b>2005-06</b>	<b>2006-07</b>
Personal Services	\$1,320	\$1,320
All Other	\$4,000	\$4,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,320	\$5,320

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

Effective June 23, 2005.



**APPENDIX B**  
**Membership List**  
**Task Force to Study Maine's Homeland Security Needs**



# Task Force to Study Maine's Homeland Security Needs

## TASK FORCE MEMBERS

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### Appointments by the Governor

**Dr. Paul Liebow**  
Representing Public Interests

**Hugh Tilson**  
Representing Public Interests

**Charles Updegragh**  
Representing Public Interests

### Appointments by the President

**Sen. Ethan Strimling - Chair**  
Senate Member

**Sen. David R. Hastings III**  
Senate Member

**Kimberly J. Boothby-Ballantyne**  
Representing Public Interests

### Appointments by the Speaker

**Rep. Stanley J. Gerzofsky – Chair**  
House Member

**Rep Richard B. Brown**  
House Member

**Rep. Roderick W. Carr**  
House Member

**Rep Carol A. Grose**  
House Member

**Dr. Lawrence Mutty**  
Representing Public Interests

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For more information contact:

Maine State Legislature  
Office of Policy and Legal Analysis  
207-287-1670 or visit our website at:  
[www.maine.gov/legis/opla/homsec.htm](http://www.maine.gov/legis/opla/homsec.htm)

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**APPENDIX C**  
**Legislation Proposed by Task Force for**  
**Consideration by the 123<sup>rd</sup> Legislature**



## DRAFT LEGISLATION

### **Title: An Act to Implement the Recommendations of the Task Force to Study Maine's Homeland Security Needs**

**Emergency preamble.** Whereas, Acts 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** is 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 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 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** is repealed and the following enacted in its place:

#### **§451-A. 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 the Maine Administrative Procedure Act, Title 5, Chapter 375, subchapter II-A.

**3. Duration of appointment; notification.** Each local health officer is appointed for a term of 3 years and until that officer's successor is appointed, provided that on expiration of the term of office 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 health officer. Notification to the department must include the health officer's name, age, address and the dates of appointment and beginning of 3-year term. The health officer in towns or plantations contiguous to unorganized territory shall perform the duties of 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 health officer during that incapacity or absence. The chair of the municipal officers shall perform the duties of local health officer until the regular health officer is returned to duty or appointment and employment of another person has been made. In municipalities 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 duty prescribed for the chair of the municipal officers during incapacity or absence of the health officer shall be 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 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 to devote a part or all of their time to the duties of the office. The offices of the 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. A local health officer may be appointed and employed by more than one municipality.

**Sec. 3. 26 MRSA §1419-A, sub-§6** 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 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 ~~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.~~ A company required to provide the discount is 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** 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 Labor and 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~~ provision of pagers and service for those pagers to qualifying persons established under 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** is amended to read:

**2. Duties of council.** The council shall:

- A. Advise the Governor with regard to the vulnerability of the State to terrorist activity;
- B. Advise the Governor with regard to the adequacy of the plans to enhance homeland security;
- C. Ensure that the homeland security activities of state agencies are coordinated;
- D. Advise the Governor with regard to the implementation of state programs using federal funds and administration of federal grants for homeland security, in order to ensure coordination among agencies and the most effective use of grant funds;
- E. Advise the Governor with regard to the appropriateness of the federal homeland security threat advisory level for the State, based upon intelligence gathered in the State and from federal sources;
- F. Advise the Governor with regard to the appropriate response to any terrorist threat; ~~and~~
- G. Periodically advise an emergency response team with pertinent information that could assist in the team's response to an event; and
- 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. 6. 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 Disaster Relief Fund. Rules adopted pursuant to this subsection are major substantive rules as defined in the Maine Administrative Procedure Act, Title 5, Chapter 375, subchapter II-A.

Sec. 7. 37-B MRSA §783 is amended to read:

**§783. Disaster emergency plan**

Each municipality, county and regional emergency management agency shall prepare and keep a current disaster emergency plan for the area subject to its jurisdiction. That plan must include, without limitation:

**1. Identification of disasters.** Identification of disasters to which the jurisdiction is or may be vulnerable, specifically indicating the areas most likely to be affected;

**2. Action to minimize damage.** Identification of the procedures and operations which will be necessary to prevent or minimize injury and damage in the event those disasters occur;

**3. Personnel, equipment and supplies.** Identification of the personnel, equipment and supplies required to implement those procedures and operations and the means by which their timely availability will be assured;

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

**3-B. Continuous 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;

**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 identification of methods to ensure that these evacuation needs are met;

**4. Recommendations.** Recommendations to appropriate public and private agencies of all preventive measures found reasonable in light of risk and cost; and

**5. Other.** Other elements required by agency rule.

Each municipal, county and regional emergency management agency, as part of the development of a disaster emergency plan for the area subject to its jurisdiction, shall consult with hospitals within its jurisdiction to ensure that the disaster plans developed by the municipality or agency and the hospitals are compatible.

**Sec. 8. 37-B MRSA §1119-A is enacted to read:**

**§1119-A. Annual dam fees**

Beginning January 15, 2008 and annually thereafter, the following fees must be paid annually, to the commissioner. All fees must be deposited in the Dam Safety Program Account at the Maine Emergency Management Agency for the purpose of dam inspection, maintenance and repair. All funds collected pursuant to this section are nonlapsing and must be deposited in the Dam Safety Program Account.

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

- A. \$1,000 a year for each significant hazard potential dam;
- B. \$1,000 a year for each high hazard potential dam; and
- C. \$40 a year for each low hazard potential dam.

**2. Private owners.** A private owner shall pay annual fees for dams that the private owner owns as follows:

- A. \$250 a year for each significant hazard potential dam;
- B. \$250 a year for each high hazard potential dam; and
- C. \$40 a year for each low hazard potential dam.

**Sec. 9. Report on local health officers.** The Director of the Maine Center for Disease Control and Prevention, 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 local health officers and updating related statutes to clarify that role. The director shall report recommendations, including any necessary legislation, to the Homeland Security Advisory Council and the joint standing committees having jurisdiction over health and human services matters by June 1, 2007.

**Sec. 10. 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 committees having jurisdiction over health and human services and criminal justice and public safety matters any recommendations regarding the following initiatives:

1. Development of a strong local health officer system that is able to function independently of 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, support and linking of local health officers to ensure that the 16 county emergency management agencies each have 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 multi-county level to establish official health agencies, which will serve as the official public health liaison during emergencies and would 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 and the standards of the National Association of County and City Health Officials for ensuring the competency of individuals and agencies.

**Sec. 11. Implementation of disability indicator.** The Director of the Maine Emergency Management Agency, 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 state-wide 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 having jurisdiction over criminal justice and public safety matters by July 1, 2007.

**Sec. 12. Report from Maine Emergency Management Agency regarding building communications system needs.** The Director of the Maine Emergency Management Agency, 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 poses 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 having jurisdiction over criminal justice and public safety matters by September 1, 2007.

**Sec. 13. Report from Maine Emergency Management Agency regarding regulation of fuel tanks.** The Director of the Maine Emergency Management Agency, in cooperation with the Departments of Professional and Financial Regulation and Environmental Protection, shall research the public safety implications of 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.

**Sec. 14. Appropriations and allocations.** The following appropriations and allocations are made.

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

**Maine Emergency Management Agency**

Initiative: *Provide funding for 6 rain gages to be installed on rivers in York and Cumberland counties.*

<b>General Fund</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS – LEGISLATIVE COUNT	0	0
POSITIONS – FTE COUNT	0	0
Personal Services	0	0
All Other	\$90,000	\$20,000
Capital Expenditures	0	0
<b>GENERAL FUND TOTAL</b>	<b>\$90,000</b>	<b>\$20,000</b>
<b>Federal Funds</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS – LEGISLATIVE COUNT	0	0
POSITIONS – FTE COUNT	0	0
Personal Services	0	0
All Other	\$90,000	\$20,000
Capital Expenditures	0	0
<b>FEDERAL FUNDS TOTAL</b>	<b>\$90,000</b>	<b>\$20,000</b>
<b>TOTAL ALL FUNDS</b>	<b>\$180,000</b>	<b>\$40,000</b>

Initiative: *Establish 2 positions to support the Dam Safety Program.*

<b>Other Special Revenue Funds</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS – LEGISLATIVE COUNT	2	2
POSITIONS – FTE COUNT	0	0
Personal Services	\$68,592	\$68,592
All Other	0	0
Capital Expenditures	0	0
<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>
POSITIONS – LEGISLATIVE COUNT	0	0
POSITIONS – FTE COUNT	0	0
Personal Services	\$68,592	\$68,592
All Other	0	0
Capital Expenditures	0	0
<b>FEDERAL FUNDS TOTAL</b>	<b>\$68,592</b>	<b>\$68,592</b>
<b>TOTAL ALL FUNDS</b>	<b>\$137,184</b>	<b>\$137,184</b>

Initiative: *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.*

<b>Federal Funds</b>	<b>2007-08</b>	<b>2008-09</b>
POSITIONS – LEGISLATIVE COUNT	2	2
POSITIONS – FTE COUNT	0	0
Personal Services	\$152,568	\$152,568
All Other	0	0
Capital Expenditures	0	0
<b>FEDERAL FUNDS TOTAL</b>	<b>\$152,568</b>	<b>\$152,568</b>
<b>TOTAL ALL FUNDS</b>	<b>\$152,568</b>	<b>\$152,568</b>

**Defense, Veterans and Emergency Management, Department of DEPARTMENT TOTALS**

	<b>2007-08</b>	<b>2008-09</b>
<b>GENERAL FUND TOTAL</b>	<b>\$90,000</b>	<b>\$20,000</b>
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>68,592</b>	<b>68,592</b>
<b>FEDERAL FUNDS TOTAL</b>	<b><u>211,160</u></b>	<b><u>211,160</u></b>
<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 Act 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 the Department 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, Center for Disease Control and Prevention by January 1, 2008. A person who 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 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, by January 1, 2008, 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 evacuation situation.

6. It specifies that persons who have been certified by the 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 the Dam Safety Program.

8. It requires the Director of the Maine Center for Disease Control and Prevention, 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 officers' 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 having jurisdiction over health and human services matters 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 committees having jurisdiction over health and human services and criminal justice and public safety matters regarding the following initiatives:

a) Development of a strong local health officer system that is able 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, support and linking of local health officers to ensure that the 16 county emergency management agencies each have 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 multi-county level to establish official health agencies, which would serve as the official public health liaison during emergencies and would 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 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 state-wide disability indicator system to allow individuals with disabilities and special health needs to provide a code identifying special assistance in an emergency. The director shall report regarding the implementation of the plan and to identify any necessary implementing legislation to the joint standing committee having jurisdiction over criminal justice and public safety matters 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 information that identifies 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 having jurisdiction over criminal justice and public safety matters by September 1, 2007.

12. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Departments of Professional and Financial Regulation and Environmental Protection, to research the public safety implications of 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 gages 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.

## **DRAFT JOINT RESOLUTION**

**WE**, your Memorialists, the Members of the One Hundred and Twenty-third Legislature of the State of Maine now assembled in the First Session, most respectfully present and petition the Congress and the President of the United States as follows:

**WHEREAS**, the success of our nation's homeland security, emergency management and public health system preparedness strategy relies on the success of our cohesive Federal, State, and local prevention and response efforts; and

**WHEREAS**, the State of Maine's homeland security and emergency preparedness funding has declined an estimated \$15,630,000 from approximately \$31,853,000 in fiscal year 2004 to a projected \$16,223,000 in 2006; and

**WHEREAS**, all states and territories need a baseline level of funding to effectively support emergency management, law enforcement, public health professionals and first responders in their rigorous efforts to protect our citizens from and respond to security threats, natural and human-made disasters and public health emergencies; and

**WHEREAS**, all states and territories need a baseline level of funding to effectively support emergency management, law enforcement, public health professionals and first responders in their rigorous efforts to address the vulnerabilities of our ports, borders, agricultural food production and supply, water supply, fuel, computer systems and other sensitive targets; and

**WHEREAS**, all states and territories need flexibility to address unique local or regional needs while working cooperatively to achieve national preparedness goals; and

**WHEREAS**, Congress has the responsibility to ensure that all states and territories have the tools necessary to make their own individual contributions to our collective national security;

**WHEREAS**, the Task Force to Study Maine's Homeland Security Needs unanimously agree that these issues need to be addressed; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the United States Congress shift spending priorities and enact legislation that includes the content of the Homeland Security Grant Enhancement Act sponsored by Senator Susan Collins in 2005, to provide each state with their fair and reasonable share of homeland security funding as well as public health bioterrorism grant funding, to establish essential capabilities to prevent and respond to the next disaster or terrorist attack; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Maine Congressional Delegation.

**APPENDIX D**  
**Task Force Meetings and Materials**  
**(Agenda, testimony, meeting summaries)**



## TASK FORCE MEETINGS

### Task Force to Study Maine's Homeland Security Needs Public Meetings

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	<u>Meeting Date</u>	<u>Location</u>
1.	October 17, 2005	Augusta
2.	November 17, 2005	Brunswick
3.	November 21, 2005	Oxford Hills
4.	November 29, 2005	Rockland
5.	January 6, 2006	Presque Isle
6.	January 9, 2006	Saco
7.	January 13, 2006	Bangor
8.	January 25, 2006	Augusta*
9.	January 27, 2006	Augusta*
10.	September 8, 2006	Portland
11.	September 13, 2006	York County
12.	November 14, 2006	Augusta*
13.	November 16, 2006	Augusta*

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\*These meetings were work sessions. All meetings were open to the public. Meetings not marked with an asterisk were public hearings and included a designated period for public comments related to the work of the Task Force. In addition, members of the public submitted written comments to the task force for consideration.

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Information from the first 9 meetings, including the agenda and samples of written testimony, is available in the *Second Interim Report and Recommendations of the Task Force to Study Maine's Homeland Security Needs*, February 2006. To obtain a copy of this report, please contact the Maine State Legislature's Office of Policy and Legal Analysis at 207-287-1670 or visit our website at: [www.maine.gov/legis/opla/homsec.htm](http://www.maine.gov/legis/opla/homsec.htm).

Information from the meetings in the fall of 2006 is included in this report on the following pages.

## AGENDA -- September 8, 2006

### Maine's Homeland Security Task Force Portland City Hall - Portland, Maine

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#### PANEL DISCUSSIONS

##### **1:30 p.m. – 2:30 p.m. Maine's Port Security: Global and National Perspectives**

- Admiral Gregory G. Johnson, USN-Ret.
- David Flanagan, former General Counsel to the Senate Committee on Homeland Security and Governmental Affairs' Investigation of Hurricane Katrina

##### **2:30 p.m. – 3:30 p.m. Protecting Our Ports: Coordinating Federal, State and Regional Efforts**

- Captain Stephen Garrity- USCG
- Major John Fetterman, Deputy Chief Maine Marine Patrol
- Captain Jeffrey Monroe, Portland Director- Ports and Transportation and member of US Department of Homeland Security Maritime Security Advisory Council
- Tom Meyers, South Portland Director of Transportation and Waterfront

##### **3:30 p.m. – 3:45 p.m. BREAK**

##### **3:45 p.m. – 4:45 p.m. Homeland Security and Emergency Preparedness: Response and Recovery**

- Fire Chief Fred LaMontagne, Portland
- Fire Chief Kevin Guimond, South Portland
- Jeff Temple, South Portland EMA Director

##### **4:45 p.m. – 5:30 p.m. Maine's Port Security: A Private Sector, Tourism & Transit Perspective**

- Tom Hardison, Director of Operations - Portland-Montreal Pipe Line
- Tom Dobbins, Manager, Terminal Services - Sprague Energy
- Donald Cormier, VP of Operations and Safety Management - Bay Ferries, The CAT Ferry
- Capt. Roki Horr Asst. Operations Manager, and Capt. Nick Mavodones, Operations Manager Casco Bay Island Transit District

#### PUBLIC COMMENT AND TASK FORCE DISCUSSION

##### **5:30 p.m. – 6:00 p.m. Task Force Working Dinner**

##### **6:00 p.m. – 8:00 p.m. Public Comment and Task Force Discussion**

- The protocol for hearing public comments will be explained prior to hearing public comment.
- There may be a time-limit on testimony depending on the number of people wishing to testify.

##### **8:00 p.m. – 9:00 p.m. Task Force Planning for Next Meeting**

- Discussion of questions and actions for follow-up prior to next meeting.
- Discussion of work plan and priorities for the next meeting and future meetings.

## MEETING SUMMARY

SEPTEMBER 8, 2006 – PORTLAND, MAINE

**Members Present:** Chairs Strimling and Gerzofsky, Hugh Tilson, Charles Updegraph, Sen. Hastings, Kim Boothby-Ballanyne, and Rep Grose. Also OPLA analyst, Elizabeth Cooper, attended as staff to the committee.

- I. **TOUR**- The task force members met at 10:45am at Buoy in Portland and went on a boat tour of area ports. The Portland Fire Department made the fire rescue boat available for the tour. Several city officials and business representatives from Portland and South Portland provided information and commentary.
  
- II. **PANEL DISCUSSIONS** - The task force members convened at Portland City Hall at approximately 12:45 for lunch and the afternoon session convened at approximately 1:30.
  - A. **INTRODUCTION** - Senator Strimling and Representative Gerzofsky started the meeting with introductions. They provided background on the charge of the task force, the focus of the meeting for that day, and announced an upcoming meeting in Wells on September 13.
  
  - B. **PANEL 1 - Maine's Port Security: Global and National Perspectives** – participants: *Admiral Gregory G. Johnson, USN-Ret., and David Flanagan, former General Counsel to the Senate Committee on Homeland Security and Governmental Affairs' Investigation of Hurricane Katrina.*
    1. *Admiral Johnson* – biographical sketch and written testimony entitled “Securing the Maritime Commons” is provided. Testimony covered issues related to Maine’s role in international shipping and commerce; factors related to challenges of port security planning; the US Dept of Homeland Security’s layered defense; and the need for an additional part of the defense structure in the form of public exercises involving federal, state, local, and private sector players to demonstrate the capacity for successful response. He suggested the creation of formal coordinating committee where all the players meet regularly, develop standard operating procedures, plan and execute exercises and honestly critique the exercises to make improvements to the operating procedures.
  
    2. *David Flanagan* - biographical sketch and written comments are provided. Comments focused on vulnerability of ports noting that ports are a relatively low priority at the US Dept of Homeland Security. He discussed **S. 2459, GreenLane Maritime Cargo Security Act**, May 9, 2006. (OPLA analyst will provide additional information on the act separately.) He also discussed lessons learned from Hurricane Katrina, noting poor infrastructure design (the levee), poor local preparedness, poor communications interoperability and poor situational awareness. In particular, he pointed out that prior to the event officials in New Orleans knew that there were 100,000 or more people without transportation. While preparedness exercises for New Orleans were conducted, there wasn't follow-up to make improvements based on the lessons learned through the exercises. He also noted that in general, the Coast Guard performed the best during the crises because they conducted the most exercises. He discussed the National Incident Management System, the need to identify roles and responsibilities and the need to determine Port responsibility at the federal level.

3. Questions and Answers (all panelists)- Leadership and the need for inter-jurisdictional standard operating procedures (SOP) were discussed. According to panelist, there is no entity equivalent to the Federal Aviation Administration for Ports. While the mission of federal Transportation Security Administration (TSA) includes security for all sectors of transportation, the major focus of the TSA has been airport security. There was a discussion of available tools for monitoring port security, risks of bioterrorism and pandemic via port entry. The favorable response to the ice storm of 1998, during which Mr. Flanagan was CEO of Central Maine Power, was discussed. Task force members and panelists discussed the importance of interoperability and the critical need for leadership in order to establish interoperability. There are risks related to the travel of cargo prior to entering the US and cargo “rest stops.” The United States is unable to inspect every piece of cargo that enters our country. Tools to inspect that could be acquired at the local or state level include X-ray, but it could be quite expensive. Regarding the GreenLane legislation, it was noted that the 22 ports targeted by the bill handle 98% of cargo and containers. Portland’s major product coming and going through the ports is petroleum. According to panelists, the formula in the GreenLane legislation to distribute \$400k is risk-based with wide latitude for spending. David Flanagan noted that the quality of the application will be a big factor in determining the award. Both panelists agreed that in balancing the need for preparedness exercises and trying not to create unnecessary public fear, states and localities should err on the side of more preparedness exercises. Exercises should focus on a variety of issues such as terrorism, natural disaster, nuclear disaster, bioterrorism, pandemic and quarantine. Some could be simulated via computer. When asked how much at risk the State Maine is for a terrorist target, Admiral Johnson indicated it’s difficult to tell because terrorists could go for another big target like the World Trade Center or instead target smaller, more remote areas that seem more vulnerable and easy to penetrate.

C. **PANEL 2 - Protecting Our Ports: Coordinating Federal, State and Regional Efforts** - participants: *Capt Stephen Garrity- USCG, Major John Fetterman -Deputy Chief Maine Marine Patrol, Capt Jeffrey Monroe - Portland Director Ports and Transp., and Tom Meyers, South Portland Director of Trans. and Waterfront*

1. Capt Stephen Garrity- USCG - biographical sketch and press release dated 9/1/06 provided. Discussed coast guard activities and emphasized the effectiveness of numerous exercises to prepare for emergency response. Julie N oil spill was an example of how good training pays off. Memorandums of understanding (MOUs) are effective tools for working with 1<sup>st</sup> responders. He noted there is an interoperability exercise coming up on Sept 14.
2. Major John Fetterman - Maine Marine Patrol (MMP) - biographical sketch and written testimony provided. Discussed role of MMP and resource constraints. Noted MMP’s role as back-up to Coast Guard, the Ardent Sentry exercise testing, the Maritime Security Team and training in Bar Harbor on Oct 17 to improve coordination with US Dept of Defense. On a scale of 1-10 (with ten as best) the coordination between state and federal entities rated at 8 and coordination between state/local/county 5 or 6.
3. Capt Jeffrey Monroe - Portland Ports and Transportation - biographical sketch and written testimony provided. Provided statistics entitled ‘ State of the Port 2005.’ The city collaborates with federal, regional groups, South Portland and other towns in areas. He is

- unaware of a State plan for resumption of port services after a catastrophic event and the city's relationship with feds is stronger than with State. Suggested broaden role of MEMA to include an office solely focused a systematic security plan for movement of passengers and cargos through all modes of transportation and ports. Need unified command structure and local involvement in state planning.
4. Capt Tom Meyers - South Portland Transportation and Waterfront- biographical sketch and written testimony provided. Discussion of critical infrastructure in the area. Due to wide range of possible incidents, City of South Portland uses and "All-Hazards" approach and are developing framework for port incidents. Follow principles of National Incident Management System. Discussed Greater Portland Incident Standard Operating Guidelines which is multi-jurisdictional and has common command and control framework. Rated local coordination high.
  5. Questions and Answer(all panelists)- Local public health officials are involved in planning and SOPs includes public health mitigation. Capacity to deal with mass illness among passengers on ship may be better in Portland area due to capacity of public health infrastructure. Fewer medical facilities further up the coast may present problems if there's a mass ship board illness. Maine's local/state coordination seems better than the city/state coordination in Louisiana prior to Hurricane Katrina. Panelists didn't have specific information on volume of cargo headed to other east coast ports in close proximity to our shores. An office to deal with ports/cargo similar to that proposed in the federal GreenLane legislation, the limitations of having multiple systems in place and the need for a TSA-type entity for surface and maritime transportation were discussed.

**D. PANEL 3 Homeland Security and Emergency Preparedness: Response and Recovery -** participants: *Portland Fire Chief Fred LaMontagne, South Portland Fire Chief Kevin Guimond and South Portland EMA Director Jeff Temple.*

1. Fire Chief Fred LaMontagne, Portland - biographical sketch provided. Remarks focused on the city's ability to notify people of emergencies, availability of mass transportation and city's evacuation plans. More information provided during Q&A- see section below. He allowed the committee to briefly review a draft of an operating plan and agreed to prepare a modified version of the plan to share with the committee.
2. Fire Chief Kevin Guimond, South Portland - biographical sketch and a written copy of the co-talking points with Jeff Temple provided. Discussed expenditure of homeland security grants funds on equipment, training and exercise drills, coordination with the medical community and improved medical infrastructure. Specific to port security, comments mentioned plans for purchasing underwater camera and a radiation detection device, coordination with the Coast Guard and collaborative work with port partners in drills and exercises such as Ardent Sentry.
3. Jeff Temple, South Portland EMA Director- biographical sketch and written copy of coordinated remarks with Kevin Guimond provided. See the remarks above offered jointly by Temple and Guimond.
4. Discussion and Questions/Answers(all panelists)- In considering gaps in the State's plans, the panelist noted that the local capacity to get the word out with due diligence and notify people of a need to evacuate is fairly strong. There are arrangements to use mass transportation for individuals who don't have personal transportation. Only the Governor can declare mandatory evacuation and city officials think this works well. There isn't

local capacity to go door to door, but the city and state take measure to educate people. Education includes personal responsibility and heeding the advice of emergency warnings and notifications. In the event of a mass evacuation away from the coast, the shelter capacity in the interior or northern portions of the state could fall short of the need.

**E. PANEL 4 - Maine's Port Security: A Private Sector, Tourism & Transit Perspective**  
participants: *Tom Hardison, Portland-Montreal Pipe Line, Tom Dobbins, Sprague Energy, Donald Cormier, The CAT Ferry, and Capt. Roki Horr and Capt. Nick Mavodones, Casco Bay Island Transit District*

1. *Tom Hardison, Director of Operations - Portland-Montreal Pipe Line* -biographical sketch and written testimony provided. He provided an overview of company noted in written remarks. Mr. Hardison said they are regulated by the US 33 Code of Federal Regulations 105 Maritime Security: Facilities. They have a Facility Security Plan in place, which is approved and monitored through audits by the USCG. He believes the company receives the proper level of security information locally and nationally, but the cost of preparedness and limited funding for security planning and development continues to be a challenge.
2. *Tom Dobbins, Manager, Terminal Services - Sprague Energy* - biographical sketch and written testimony provided. Mr. Dobbins provided an overview of the company as noted in written remarks. Discussed how emergency was handled during 9-11 and the response/recovery including additional safeguards that were put in place. Discussed coordination with local and federal government and noted that they look to Coast Guard as lead for this.
3. *Donald Cormier, VP Operations & Safety Mgmt - The CAT Ferry*- biographical sketch and written testimony provided. He provided an overview of company noted in written remarks. Discussed post- 9-11 adoption of new international ship and port security standards and believes "The Cat" was the first passenger vessel in North America to be certified to this new code by Lloyd's Register, a risk management group. He discussed the specific safeguards in place for passenger vessels. He expressed concern about over-regulation and the need for public sector investment for the cost of increased security measures.
4. *Capt. Roki Horr Asst. Operations Manager, and Capt. Nick Mavodones, Operations Manager Casco Bay Island Transit District (CBITD)* - biographical sketches and a follow-up summary of remarks provided. Described the organization, which is a quasi-municipal, non-profit transit provider open to the public. CBITD receives limited federal and state funding and operational costs are primarily funded by fares. Have received small grant for closed-circuit television system. Since capital is limited for purchase of special security equipment or designated security personnel, they have developed communications and relationships with the agencies tasked with keeping abreast of security intelligence and first response. First priority for public funding for security should focus on prevention and the security grant process should be simplified. Concerned about cost and impact of the federal Transportation Worker Identification and Credentialing proposal, and would like to see the implementation deadline extended until further analysis is conducted. Emphasized that all hazards planning, drills, exercises and, in particular, good public communication with early warning mechanisms are important.

Discussed federal initiatives focusing on prevention (specifics identified in written summary) and encouraged Task Force to support these proactive and preventative measures.

**III. PUBLIC COMMENT-** At approximately 6:15 pm, the task force asked for public testimony regarding homeland security and any emergency preparedness topics related to the work of the State Homeland Security Task Force.

- A. Public comments focused on a variety of issues including concerns about federal spending; ideas for alternate communication devices such as pagers; possible need for auxiliary policing and better coordination with private and non-profit sectors including churches; need for focus on prevention including nuclear preparedness, discussion of an “all hazards approach” and alternate, “disaster-specific” approaches.
- B. There was also discussion about public health related issues including resource centers, Maine Center of Disease Control (CDC) preparedness topics, early identification, outbreak management, and protocol for mass distribution of pharmaceuticals. Chairman Strimling noted that reports on several items from the Maine CDC are due Sept 18 and there would be more public health discussions after reviewing the reports.
- C. The public comment portion of the meeting was complete around 7:30 pm and written testimony submitted by the public provided.

**IV. PLANNING** The task force commence the planning portion of the meeting shortly after 7:30 and adjourned at approximately 8:00 pm.

- A. Reports from the Maine Center for Disease Control and the Maine Emergency Management Agency are due September 18.
- B. Next meeting should be after the Task Force has the chance to read the reports. May need to wait to meet again until after the elections in November. (NOTE: the chairmen are looking at dates in mid-November before Thanksgiving.)
- C. The Task Force members should submit ideas for recommendations to the Task Force chairman or the OPLA analyst.
- D. May need to ask for an extension of the report deadline. Current deadline is November 1. (NOTE: Extension was requested and the Legislative Council granted an extension to **December 1, 2006.**)

**V. FURTHER INFORMATION** – This information is intended to summarize the content of the meeting but is not intended to be meeting minutes. This meeting was video taped by Community Television and tapes can be purchase by calling 207-775-2900. A 116-page meeting summary packet that includes biographical sketches of experts that testified as well as the complete testimony presented at the meeting is available upon request or can be downloaded from the Homeland Security Study website , please contact the State Legislature’s Office of Policy and Legal Analysis at 207-287-1670 or visit our webpage at [www.maine.gov/legis/opla/homsec.htm](http://www.maine.gov/legis/opla/homsec.htm).

**Agenda -- September 13, 2006**

**Homeland Security Task Force  
York County Community College  
Wells, Maine**

**PANEL DISCUSSIONS: FLOODS OF 2006 – HOW PREPARED WERE WE?**

**1:30 p.m. – 1:40 p.m. Opening Remarks**

- Introductions and meeting overview
- Overview and Timeline of the Events

**1:40 p.m. - 3:00 p.m. Local Businesses and Residents Perspective**

- Local Residents affected by the flood
- Business owners affected by flood

**3:00 p.m. – 3:15 p.m. BREAK**

**3:15 p.m. – 4:15 p.m. County and Municipal Officials Perspective and Response**

- County Commissioner
- Other county and municipal officials

**4:15 p.m. – 5:15 p.m. Federal and State Perspective and Response**

- Federal Emergency Management Agency
- Maine Emergency Management Agency
- York County Emergency Management Agency

**PUBLIC COMMENT AND TASK FORCE DISCUSSION**

**5:15.m. – 6:00 p.m. BREAK – Working Dinner**

**6:00 p.m. – 8:00 p.m. Public Comment and Task Force Discussion**

- The protocol for hearing public comments will be explained prior to hearing public comment.
- There may be a time-limit on testimony depending on the number of people wishing to testify.

**8:00 p.m. – 9:00 p.m. Task Force Planning for Next Meeting**

- Discussion of questions and actions for follow-up prior to next meeting.
- Discussion of work plan and priorities for the next meeting and future meetings.

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**MEETING SUMMARY**  
**SEPTEMBER 13, 2006 – (YORK COUNTY) WELLS, MAINE**

**Members present:** Chairs Strimling and Gerzofsky, Liebow, Tilson, Updegraph,, Hastings, Boothby-Ballanytne, Carr and Mutty. Also attending were staff: Leibowitz, MEMA, and Orbeton, OPLA.

1. The task force members met at 10:45am at York County Community College and went on a tour of areas of Wells affected by the Mother's Day flood. York Trolley Company provided transportation. Bob Bohlmann of York EMA provided information and commentary. The task force visited 1 bridge that has been temporarily reconstructed and is open, 2 bridges that area still closed and in need of replacement and 1 business, a bike and surf shop, that lost business due to the closure of Route 1 after the storm.
2. The task force members returned to YCCC for a picnic lunch and the afternoon session.

**Charles Jacobs, Interim Director of MEMA, and Steve Burgess, MEMA** addressed the task force and distributed handouts. They explained the rainfall handout and the timeline. The Route 1 bridge on the Ogunquit-Wells line was closed a week after the rain storm, as the damage from it did not mature and become apparent until then. The backup on the turnpike was 5 miles long in each direction. If this occurred in another situation it could have endangered transportation in and out of Wells and Ogunquit and the shipment of emergency supplies. Rain gauges are needed on streams and rivers for better information. The Seabrook evacuation plan needs to be refined. County EMA's would provide assistance to smaller communities in disaster situations. Roughly 6 county EMA's are well staffed, organized and coordinated.

**Jane Duncan, Wells Town Manager,** praised the State's response and communications with MEMA and DOT and emphasized the need to act quickly when the road situation became known. She mentioned the problem of unknown and overlapping jurisdictions, between towns and with the State and feds on roads. She mentioned that town personnel were spread thin. Wells has paid for the bridge repair and expects to be repaid in 1 to 3 years. The cost was about \$300,000. She praised private business for their work and contributions. She suggested that there be a way to certify private engineers to get them working with the towns quickly. Some people were lacking information. If the electricity had gone out the situation would have been much worse. The Chamber of Commerce got the word out to members about road closures. DOT informed turnpike users and trucking companies. Paperwork, jurisdiction and other delays in getting aid and rebuilding are frustrating. Simplify authority so that communities can respond. Improve road and bridge infrastructure.

**Police Chief Richard Connelly, Wells,** stated that communications with MEMA were smooth and efficient and that York County EMA was very helpful. Extra dispatchers and extra personnel were used. Everyone worked hard and long hours. Concern regarding the law enforcement personnel needed to respond over a long time to a longer duration event.

**Fire Chief Daniel Moore, Wells,** stated that the Route 1 road closure required 4 roadblocks, calling for more staff than they had available. There was some confusion about the availability of the State Police and the National Guard. The County provided deputies (who were already doing extra patrols and surveillance) and the Guard provided personnel. He stated that 72-hour self-sufficiency should be

expected to individuals and towns but this is difficult in situations of special needs and if the disaster covers a large area. Shutting down Route 1, and the turnpike, endanger the area's emergency operations and any evacuation. The flood showed the poor condition of some of the roads and bridges in the county. The Fire Dept. did a swift water rescue, provided assistance to persons with flooded yards and neighborhoods, provided sump pumps, secured propane tanks, provided water to some homes and distributed water tests. Perhaps all propane and gas tanks should be required to be attached to their buildings. Up to 200 homes were isolated, some for up to a week. They recommended evacuation for some people and provided information, going door to door. They did 10 evacuations. Shelters were open early, not used heavily. Some special needs people were housed in motels as the shelters would be difficult for them. Saco has a pet friendly shelter, which is a necessity. The county's roads and bridges need work. Develop an emergency funding process on the local level and develop a simplified process for change orders with FEMA or, better still, a contingency line.

**Gloria Layman, York County Commissioner**, testified that the county and she received many calls, that the emergency response was excellent, that responders were effective and kind, that staff and volunteers put in many hours of work. She said that they are still rebuilding roads. She said there were several gas tanks that got loose from businesses. Need for alerting communities as early as possible.

**Bob Bohlmann, York County EMA Director**, testified that all disasters start locally. He stated that 21 businesses in York were affected. There were excellent efforts locally from personnel and volunteers. MEMA responded quickly and effectively. Over 1000 wells were tested in 5 to 7 days, with test results confidential to the homeowner and MEMA, 14% of tests showed some contamination. Most people were able to correct their well problems promptly. The State Forest Service offered help. There is an aid agreement that enables counties to share personnel. DHHS drinking water program (DWP) and DEP provided effective assistance. They held a disaster town meeting, which was helpful and which he recommends. They used the FEMA mobile unit to reach out to the community and to rural areas. The Red Cross was ready immediately with clean up kits, temporary shelter, food and water. Long term recovery is lengthy and complex. Partnering with United Way and the faith community is necessary. He looks forward to the operation of the state Disaster Relief Fund to cover costs, after the Governor has declared a disaster, not covered by FEMA. York County EMA got 800 to 1000 calls daily. Media coverage was helpful, as was website posting and posting local notices. Volunteers are trained ahead of time, responsibility lies with their agencies. He used emergency channels for communication, not con-ops channels or satellite phones. York had 7000 sand bags and sent for 10,000 more when it was apparent more would be needed. York County has 80 shelters, of varying sizes. 16 shelters have generators. The major special needs shelter in Saco can accommodate 300 people. A coastal hurricane could require evacuation to Oxford County. Concern regarding the need for training for smaller communities. The Coast Guard was in the office for daily briefings and provided a fly-over for DOT.

**Bill Bray, York Public Works Director, and York Police Chief Douglas Bracy (also York EMA Director)**, spoke of the city's response to the flood, in which there was 1 bridge collapse and 5 major road washouts. The cost will be about \$1million. Flood prevention, to prevent a 50-year event, would cost \$37million. An ocean storm surge would add substantially to the difficulty and cost. York provided bulky waste disposal (45 tons, \$18000) and hazardous waste disposal (\$20,000). York identified 120 locations with damage, probably many more unreported. Agency coordination included FEMA, MEMA, DOT, DEP, DHHS DWP, Governor's Office, York EMA, Maine Turnpike Authority, federal, state and local representatives, and other public works departments. Ideas: 1) develop a 1-page handout on hazardous waste and bulky waste, 2) maintain a list of trained solid waste contractors and

volunteers to assist other municipalities with planning, 3) develop county EMA storage supply depot for barricades, signs and cones.

**John Carleton, FEMA**, spoke about FEMA's preparation process, monitoring the weather, preparing emergency response teams. This flood had disaster declarations in Maine, Mass and NH. Flood insurance may be required in certain situations (got SBA loan, got FEMA assistance already). FEMA is meeting regularly with state EMA's. Will provide firm numbers on assistance granted. Roughly \$5million (3/4 federal \$) provided in public infrastructure and debris removal and \$1million (3/4 federal \$) for individuals and households. SBA has provided \$4million.

3. The task force heard public testimony regarding homeland security and the flood.

**Kathy Wittenberg, Maine Citizens Against Handgun Violence**, testified against public access to 50-caliber rifles (cost \$2000) and displayed a picture and a bullet (cost \$2). She stated that individuals have access in Maine as state laws do not control sales.

**Don Ward, DHHS Division Director for Public Health Systems in Maine Center for Disease Control and Prevention**, testified about the health risks from floods: injury, contaminated water, chemical exposure, bacteria and mold and interference with access to regular medicines for persons with chronic illnesses. Maine CDC expects to be more active in planning and response. There are no data on the health consequences of the Mother's Day flood. Maine CDC provided water test kits and did analyses, and tested mosquito pools for West Nile. No known incidence of disease resulting from the flood. Local health officers have a role, but not surveillance or epidemiology.

4. The task force discussed next meetings and the preparation of their report. The task force will meet after November 7 and before Thanksgiving to finalize its report and recommendations. Prior to the next meeting, members should send suggestions for recommendations to the chairs or to OPLA for distribution to the chairs. In particular the public health recommendations should be specific. Reports are expected from MEMA and Maine CDC by September 18, as required by the resolve establishing the task force. The chairs will send a letter to the Legislative Council asking for an extension of the reporting date to December. (OPLA draft letter). Meeting adjourned 7:30pm.

5. Submission from Department of Labor following the September 13<sup>th</sup> meeting:

Marty Perlmutter's comments to the Homeland Security Task Force committee meeting on 9/13/06 at York County Community College:

"The Maine Department of Labor's Rapid Response program responded to this event based on a concern for any employees of businesses affected by the flood. Specifically, any employee who was temporarily or permanently dislocated by this event.

On Tuesday, May 16th, I called and/or sent emails to virtually all Town Managers and Chamber of Commerce offices in Southern York County. These emails outlined some services available through the Maine Department of Labor, including information about Unemployment Compensation, CareerCenter services, and health care options for dislocated workers. As of Thursday, May 18th, I was not made aware of any job losses due to this event.

On Thursday, May 18th, I visited a variety of Chamber of Commerce offices (Wells, Ogunquit,

& York), and spent a couple of hours in York Beach, meeting with available business owners. No Chamber of Commerce representatives were aware of any job losses due to the event, but in meeting with York Beach business owners, I was made aware of one employee who would be temporarily dislocated. I left contact information for that employee.

Subsequently, no further job layoffs were reported to me in follow-up contacts. Our CareerCenters in Saco and Springvale were also not aware of any individuals requesting services. As a follow-up, I was present for the first day of the FEMA disaster center at YCCC. No one, on that day, approached our table to request Department of Labor information."

**FURTHER INFORMATION** – This information is intended to summarize the content of the meeting but is not intended to be meeting minutes. Complete testimony presented at the meeting is available upon request by contacting the State Legislature’s Office of Policy and Legal Analysis at 207-287-1670.

# AGENDA

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## Maine's Homeland Security Task Force - WORK SESSION

November 14, 2006 -- Room 436 – State House - Augusta

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### 10:00 a.m. – 12:30 p.m. Reports and Information

#### 1. Department of Defense, Veterans and Emergency Management

- Update on impact of deployments on emergency preparedness (See PL 2005, c. 126, Sec. 5 )

#### 2. Maine Emergency Management Agency

- Briefing on Reports pursuant to Public Law 2005, chapter 634
  - ➔ Communications plan (See Sec. 14 of PL 2005, c 634)
  - ➔ Public schools' adoption of all-hazards emergency planning (See Sec. 15 of PL 2005, c 634)
  - ➔ Results of survey regarding emergency notification systems, evacuation plans and shelters (See Sec. 16 of PL 2005, c 634)
  - ➔ Disability indicator for E-911 system (See Sec. 20 of PL 2005, c 634)
- Other items from Interim Report, February 2006 and Public Law 2005, chapter 126
  - ➔ Status of staffing levels/matching funds shortfalls (See page 13 of report)
  - ➔ Status of federal Homeland Security Funds (See page 13 of report)
  - ➔ Governor's Homeland Security Advisory Council Update (See PL 2005, c. 126, Sec. 5)
  - ➔ Other items from Page 13 of Interim Report

#### 3. Maine Center for Disease Control Reports

- Briefing on Reports pursuant to Public Law 2005, chapter 634
  - ➔ Surge capacity (See Sec. 17 of PL 2005, c 634)
  - ➔ Registration of health care volunteers (See Sec. 22 of PL 2005, c 634)
  - ➔ Local health officers (LHO) (See Sec. 18 of PL 2005, c 634)
  - ➔ HRSA funds (See Sec. 19 of PL 2005, c 634)
  - ➔ Regional resource centers (RCC) (See Sec. 19 of PL 2005, c 634)
- Other items from Interim Report, February 2006
  - ➔ Physicians and hospitals emergency credentials (See page 13 of report)
  - ➔ Public Health System in Maine (See page 13 of report)

#### 4. Additional Information

- Safe Port Act – sponsored by Senator Collins
- U.S. Senate Bill 21 status – Homeland Security Grant Act of 2005

### 12:30 p.m. – 1:00 p.m. – Break

### 1:00 p.m. – 5:00 p.m. Task Force Discussion and Recommendations

1. Discussion of information learned during the public hearings held in September
2. Discussion of and formulation of initial recommendations
3. Next steps, tasks and goals for Task Force meeting on November 16<sup>th</sup>

## AGENDA

# Task Force to Study Maine's Homeland Security Needs

November 16, 2006  
Room 436 – State House – Augusta

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10:00 a.m. – 10:30 a.m.      Receive and Review Additional Information  
Requested at 11/14/06 HSTF Meeting

10:30 a.m. – 5:00 p.m. Discussion and Formulation of Task Force Recommendations

- **Emergency Preparedness Recommendations**
  - Homeland Security and Emergency Management Funds
  - Communication and Interoperability
  - Notification, Shelter and Evacuation
  - School Emergency Preparedness
  - Other Emergency Preparedness and Management Issues
  
- **Public Health Recommendations**
  - Local Health Officer
  - Surge Capacity
  - Volunteer Health Care Workers

Process for Finalizing Report and Proposed Legislation

- Committee review process
- Time table

Additional Business

## MEMORANDUM

To: Members, Task Force to Study Maine's Homeland Security Needs  
From: Elizabeth Cooper, Legislative Analyst  
Maine Legislature, Office of Policy and Legal Analysis  
Date: January 8, 2007  
Re: Summary of Homeland Security Task Force work sessions held November 14 and November 16, 2006

### **November 14, 2006 – Work Session – Room 436 State House, Augusta**

1. Members present – Senator Ethan Strimling (co-chair), Representative Stanley Gerzofsky (co-chair), Senator David Hastings, Representative Carol Grose, Dr. Paul Liebow, Charles Updegraph, Dr. Lawrence Mutty, and Kimberly Boothby-Ballantyne.
2. Meeting Overview – The meeting started at approximately 10:00 a.m. The Task Force members received reports required by Public Law 2005, c 634 from the Maine Emergency Management Agency (MEMA) and the Maine Center for Disease Control (CDC) along with information from the Maine Department of Education, the Maine Department of Defense, Veterans and Emergency Management and the Governor's Office of Health and Financial Policy. The task force asked questions and requested that MEMA and the CDC bring additional information to the meeting on November 16, 2006. The meeting adjourned at approximately 3:30.
3. Public School adoption of all-hazards emergency planning –The task force received information from Commissioner Susan Gendron on the Department of Education's efforts addressing school safety and emergency preparedness plans. The Commissioner has the authority to withhold approval of state funding for schools if they do not comply. MEMA has provided tools and outreach to help schools prepare all-hazards plans.
4. Deployment of National Guard – General John Libby, Commissioner of the Maine Department of Defense, Veterans and Emergency Management, reported deployment of Maine's National Guard and Reserve troops has not negatively impacted the ability of the National Guard to respond to state emergencies. Even at higher levels of deployment, the National Guard would still have sufficient resources to respond to state emergencies due to the Emergency Management Assistance Compact (EMAC) for interstate mutual aid. Maine officials, along with officials from other states bordering Canada, are working on an international mutual aid agreement, which will require congressional approval.
5. Communication and Interoperability – MEMA Interim Director Charles Jacobs and General Libby briefed the Task Force on the State of Maine's Concept of Operations for Incident Communications Interoperability (CONOPS) plan and provided information on communication between state and federal responders. At the state level the CONOPS reserves six radio frequencies for communication during emergencies. It allows the first responder leaders to communicate with the incident commanders and then use their own systems to communicate with front line staff.
6. Notification, Evacuation and Shelters – The Task Force members received information from Charles Jacobs and Rayna Leibowitz of MEMA and from Julia Bell of Maine's Developmental Disabilities Council on notification systems, evacuation plans and capacity to shelter people including special accommodations for people with disabilities and plans for populations with special needs. MEMA staff noted that the County Emergency Management Agencies (EMAs) have procedures to disseminate information about emergencies, but municipalities ultimately have the responsibility for the local notification or alert policies. The Task Force discussed the local EMA positions, local notification strategies and strategies for notifying disabled and special needs populations. The Task Force discussed

shelter capacity and MEMA stated that statewide Maine has adequate shelter capacity. The American Red Cross provides many shelters and assesses the facilities for accommodating people with disabilities and special needs. Nursing home regulations require plans for evacuation and sheltering including the transfer of medical records.

7. Federal Homeland Security and Emergency Management Funds –MEMA Interim Director Charles Jacobs provided information on federal funding and indicated that over all Maine is receiving approximately \$7.6 million less in fiscal year 2006 than the State did in fiscal year 2005. Homeland Security Funds have continued to decline, but MEMA staff members anticipate the State’s Emergency Management Performance Grant to slightly increase.
8. MEMA Staffing and Budget Needs – MEMA Interim Director Charles Jacobs provided information on the need for additional dam inspectors at MEMA and inconsistencies in overtime pay for duty officers that must be available on weekends. The Task Force discussed these positions and the need to create two federally funded positions to support Maine’s Fusion Center. They also discussed the need for rain gages on six Maine rivers.
9. Governor’s Homeland Security Advisory Council (HSAC) – The Task Force received an update on the activities of the HSAC. The next meeting will be in November 28 2006.
10. Surge Capacity – Dr. Dora Mills and Don Ward from Maine’s CDC provided information on surge capacity indicating that due to mutual aid resources Maine can handle a surge caused by a statewide or regional event. There is less capacity to handle surge caused by a pandemic as this type of event requires care for people in their homes and would significantly impact the health care workforce. The Task Force members also discussed the availability of hospital beds and requested additional information.
11. Local Health Officers (LHO) Dr. Dora Mills from Maine’s CDC and Trish Riley of the Governor’s Office on Health Policy and Finance presented information on their work with LHOs and how this ties in with the activities of the Public Health Work Group. The Task Force discussed qualifications for LHO and requested additional information.
12. Registration of Health Care Volunteers – Staff from the Maine CDC discussed the status of the Emergency System for Advance Registration of Voluntary Health Professionals (ESAR VHP) noting that it will be ready in Maine next summer, which is ahead of the federal deadline. The CDC will be hiring a volunteer coordinator.
13. HRSA Funds and Regional Resource Centers (RCC) - Staff from the Maine CDC briefed the Task Force on the status of the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) funds including the funding the RCCs received.
14. Process and Next Day’s Agenda – The Task Force discussed the process for receiving additional information and developing recommendations as well as the agenda for the work session on November 16, 2006.

#### **November 16, 2006 – Work Session – Room 436 State House, Augusta**

1. Members present – Senator Ethan Strimling (co-chair), Representative Stanley Gerzofsky (co-chair), Dr. Paul Liebow, Charles Updegraph, Dr. Hugh Tilson, and Kimberly Boothby-Ballantyne.
2. Meeting Overview – The meeting started at approximately 10:00 a.m. The Task Force members received additional information requested during the November 14, 2006 meeting including information on LHOs, school emergency preparedness, shelters, dam inspections, rain gages, and surge capacity. The Task Force

discussed and developed recommendation to include in the final Task Force report. The meeting adjourned at approximately 3:30 p.m.

3. Review of Recommendations – The Task Force considered approximately 85 draft recommendations that were proposed by Task Force members, appeared in agency reports or were discussed at one of the recent Task Force meetings. The Task Force members discussed the following 25 proposed recommendations, which may require legislative action:
  - a. Require the State to allocate resources to county governments
  - b. Require all buildings to have systems in place for communication among responders as determined by Maine Radio Board;
  - c. Establish a seat for a healthcare volunteer coordinator at the MEMA Operations Center;
  - d. Mandate a certain number of "pet friendly" shelters among the general shelters;
  - e. Plan for the on-going medical care of people that are disabled or have other special medical needs who are transferred from hospitals, nursing homes and own residences to American Red Cross or other shelters;
  - f. Provide funding for cost of emergency notification pagers for deaf persons;
  - g. Identify the number of persons without transportation and develop a plan to address these evacuation needs;
  - h. Develop a disability indicator system;
  - i. Encourage all schools to develop, complete and keep all-hazard response plans in coordination with public safety officials and parents. Train all staff on the plans annually. Require that the plans be tested through drills and exercises;
  - j. Require public safety approval of schools' all-hazards emergency plans and provide incentives or penalties to obtain school compliance;
  - k. Require that all fuel tanks be attached to their building, be able to withstand high winds and flooding and to have emergency shut off valves;
  - l. Consider modifications to the composition, role and duties of the Governor's Homeland Security Advisory Council (HSAC) and require a minimum number of meetings;
  - m. Establish an office solely focused on a systematic security plan for the movement of passengers and cargo through all modes of transportation and ports;
  - n. Develop a State plan for resumption of port services after a catastrophic event;
  - o. Provide funding and tools to inspect cargo at ports at the local or state level such as X-ray machines;
  - p. Require municipalities to pay for training for harbor masters;
  - q. Update the LHO statutes;
  - r. Develop a strong LHO system;
  - s. Fund pilot project(s) that would establish "official public health agencies" at the county or multi-county level;
  - t. Allow the counties to assume jurisdiction and permit official delegation of public health functions from municipal to county levels during emergencies;
  - u. Adopt and implement the national public health preparedness performance standards and the standards of the National Association of County and City Health Officials for ensuring the competency of individuals and agencies;
  - v. Amend statutes to require minimum qualifications and training for LHOs and to clarify the role of the LHOs in emergency preparedness planning, response and recovery;
  - w. Identify policy, law or rule changes to optimize human resources during emergencies such as allowing persons other than a physician to certify deaths;
  - x. Update protocol, strategic deployment and training for emergency-use pharmaceuticals; and
  - y. Develop state emergency medical strike teams.
4. Recommendations to Include in Task Force Report – The Task Force agreed to include recommendations in the final report related to the following areas:
  - a. Local communications systems in buildings such as hospitals and schools;
  - b. Pet friendly shelters;

- c. On-going medical care of disabled people or people with special needs while staying in shelters;
  - d. Emergency notification pagers and on-going pager service for hearing impaired people with lower incomes;
  - e. Plans for persons without transportation during an evacuation including the disabled and people with special needs;
  - f. Disability indicator systems;
  - g. School compliance with requirements to prepare emergency plans, involve public safety in planning and hold regular training and drills on the plans;
  - h. Safety of fuel tanks during flooding or other emergencies;
  - i. MEMA staff for dam inspections and federally funded positions supporting the Fusion Center;
  - j. LHO qualifications and needed statutory changes;
  - k. LHO recommendations for consideration by the Public Health Work Group; and
  - l. Additional rain gages on Maine rivers.
5. Final Task Force Report – The final report, which is due in December 2006, will include recommendations and proposed legislation for the 123<sup>rd</sup> Legislature to consider. The Task Force staff from the Office of Policy and Legal Analysis will prepare a draft of the report and circulate it for approval by the Task Force.

**FURTHER INFORMATION** – This information is intended to summarize the general content of the meetings but is not intended to be meeting minutes. If you need more information on the work of the Homeland Security Task Force, please contact the State Legislature’s Office of Policy and Legal Analysis at 207-287-1670 or visit [www.maine.gov/legis/opla/homsec.htm](http://www.maine.gov/legis/opla/homsec.htm).

**APPENDIX E**  
**February 2006 Task Force Recommendation**



**Cross reference of the February 2006 Task Force Recommendations  
and  
Laws Enacted by the 122<sup>nd</sup> Legislature**

The Task Force made 9 recommendations in their February 2006 Interim Report. These recommendations were implemented by two laws enacted by the 122<sup>nd</sup> Legislature, along with a joint resolution. The following list provides the recommendations and a reference to the law that was enacted to implement each recommendation.

**Task Force Recommendations**

- 1**    ***Communications and Interoperability***
  - a**    Secure at least six public safety radio frequencies to be used as statewide disaster channels, with protocols and prioritization of use. (PL 2005, c634, section 14)
  - b**    Require MEMA to conduct periodic tests of how first responders utilize public safety frequencies during emergency situations. (PL 2005, c634, section 14)
  
- 2**    ***Maine Emergency Management Agency (MEMA)***
  - a**    Strengthen the statutory qualifications of the Director of MEMA to include education, training, or experience in emergency management. (PL 2005, c634, section 11)
  - b**    Require legislative confirmation to appoint the Director of MEMA. (PL 2005, c634, section 11)
  - c**    Authorize the Director of MEMA to have direct access to the Governor in the case of an emergency. (PL 2005, c634, section 11)
  - d**    Transfer oversight of MEMA to the committee of the Legislature having jurisdiction over public safety. (PL 2005, c634, section 14)
  
- 3**    ***Disaster Relief Recovery Fund***
  - a**    Authorize the Governor to transfer up to three million dollars to the Disaster Relief Fund for use during a nationally declared disaster. (PL 2005, c634, section 6, section 7, & section 13 )
  
- 4**    ***Oversight and Coordination of Homeland Security Funds***
  - a**    Require that the MCDC and MEMA coordinate the planning and expenditure of all emergency preparedness funds. (PL 2005, c634, section 10)
  - b**    Require that MCDC and MEMA report to the legislature on the expenditure of emergency preparedness funds and the plans for anticipated revenue. (PL 2005, c634, section 10)
  - c**    Establish the Homeland Security Advisory Council in statute. (PL 2005, c634, section 8 & section 12)

- 5**     ***Emergency Notification, Shelters, and Evacuation Plans***
- a** Require that all new school construction include back-up generators or be wired for portable generators. (PL 2005, c634, section 9)
  - b** Direct MEMA to survey and report back on statewide municipal emergency notification systems, nursing home evacuation plans and shelter capabilities. (PL 2005, c634, section 16 & section 20)
- 6**     ***Surge Capacity and Emergency Immunity***
- a** Direct MCDC to develop recommendations addressing Maine’s surge capacity. (PL 2005, c634, section 17 & section 22)
  - b** Grant limited immunity to hospitals in the event of a declared emergency. (PL 2005, c630)
- 7**     ***Regional Resource Centers and Local Health Officers***
- a** Provide Regional Resource Centers with sufficient funding to continue present operations. (PL 2005, c634, section 19)
  - b** Enhance the qualifications and authority of local Health Officers. (PL 2005, c634, section 18)
- 8**     ***Education and Community Outreach***
- a** Require MEMA to broadcast emergency preparedness public service announcements to educate and inform members of the public. (PL 2005, c634, section 11)
  - b** Direct MEMA to evaluate the emergency preparedness of our public schools and provide recommendations on how these systems should be improved. (PL 2005, c634, section 15)
  - c** Incorporate emergency planning into the public school curriculum. (not in law)
- 9**     ***Shift Federal funding Priorities***
- a** Memorialize Congress and the President of the United States to shift funding priorities, and support the equitable disbursement of Homeland Security funds. (SP 863 - Joint Resolution)

## **Summary of Public Laws Enacted and a Joint Resolution Passed by the 122<sup>nd</sup> Legislature**

### **PUBLIC LAWS and JOINT RESOLUTION**

1. Public Law 2005, c 630 - This law provided immunity to private institutions from lawsuits related to the health care workforce used during an emergency. It also provided immunity to health care workers that are designated by Maine Emergency Management Agency (MEMA) to perform emergency health work or other activities during a declared emergency by amending Title 37-B §784-A and enacting Title 22 §816 sub-§1-A.
2. Public Law 2005, c 634 - Most of the Task Force recommendations were address by this law as follows.
  - Amended Title 3 §959, sub-§1, ¶D to put MEMA under the jurisdiction of the Criminal Justice and Public Safety committee;
  - Provided a funding mechanism for the Disaster Relief Fund established by Title 37-B §745;
  - Ensured continuation of the Homeland Security Advisory Council (HSAC) that the Governor established through an executive order by codifying it in Title 37-B, §708;
  - Strengthen coordination between Maine’s Center for Disease Control and Prevention (CDC) and MEMA by enacting Title 22 §10-A; which requires the agencies to coordinate the planning and expenditures of all federal funds received by the Maine CDC for homeland security emergency preparedness purposes or for the prevention of bioterrorism and report to the HSAC annually beginning December 15, 2006. The law requires the advisor of the HSAC to report to the joint stand committees of the Legislature that have jurisdiction over criminal justice and public safety matters and jurisdiction on health and human services matters by January 15 each year beginning in 2007 on the amount of funds expended in the prior year, the purpose of the expenditures, the effect of the expenditures on homeland security and bioterrorism prevention and the plans for coordination with MEMA for the expenditure of the funds received or anticipated for such purposes in the 2 years following submission of the rpeort.
  - Defined the qualifications and role of the MEMA director in Title 37-B §704 and added duties related to communication during an emergency as well as training and outreach to the public including persons that are elderly, have a disability or do not speak English;
  - Formalized the Statewide Radio Board in Title 5 §1520, sub-§1¶ B and directed it to coordinate with MEMA to secure 6 public safety band radio frequencies for use during emergencies; and
  - Directed MEMA to engage in and report on a variety of activities related to communication and interoperability; school emergency preparedness; and notification, evacuation and shelter planning. The law required the CDC to report on the status of the health system’s emergency preparedness including surge capacity, the local health officer system, regional resource centers and a system for the advanced registration of volunteer health professionals. It also requires the CDC to report annually to the joint stand committees of the Legislature that have jurisdiction over criminal justice and public safety matters and jurisdiction on health and human services matters about the activities related to grant funds from the U.S. Department of Health and Human Services, Health Resources and Services Administration known as the HRSA grant.

- ➔ State Joint Resolution - During its Second Regular Session, Maine's 122<sup>nd</sup> Legislature passed a Joint Resolution (SP 863) memorializing Congress and the President to shift funding priorities and support the equitable disbursement of funds as outline in the Homeland Security Grant Act of 2005 sponsored by Senator Susan Collins.

For copies of the laws referenced above visit our website at: [www.maine.gov/legis/opla/homsecleg.htm](http://www.maine.gov/legis/opla/homsecleg.htm)

Or contact:

Maine State Legislature  
Office of Policy and Legal Analysis  
13 State House Station  
Augusta, Maine 04333-0013  
207/287-1670

**APPENDIX F**  
**Federal Funds for Homeland Security**



**Homeland Security Grant Information  
 Provided by MEMA to the Task Force on  
 November 14, 2006**

**MAINE HOMELAND SECURITY FUNDING**

	<b>Homeland Security Grant Program</b>	<b>Law Enforcement Terrorism Prevention Program</b>	<b>Citizen Corps Program</b>	<b>TOTALS (by FY)</b>
<b>FY2003 Part I</b>	\$ 5,751,000.00			\$ 5,751,000.00
<b>FY2003 Part II</b>	\$ 15,232,000.00			\$ 15,232,000.00
<b>FY2004</b>	\$ 17,009,000.00	\$ 5,047,000.00	\$ 353,000.00	\$ 22,409,000.00
<b>FY2005</b>	\$ 10,787,521.00	\$ 3,922,735.00	\$ 136,948.00	\$ 14,847,204.00
<b>FY2006</b>	\$ 4,390,000.00	\$ 3,200,000.00	\$ 194,686.00	\$ 7,784,686.00
<b>TOTALS (by program):</b>	\$ 53,169,521.00	\$ 12,169,735.00	\$ 684,634.00	

**CHANGE OVER TIME**

	<b>Total Award</b>	<b>Change from Previous FY Award</b>
<b>FY2003</b>	\$ 20,983,000.00	
<b>FY2004</b>	\$ 22,409,000.00	\$ 1,426,000.00
<b>FY2005</b>	\$ 14,847,204.00	\$ (7,561,796.00)
<b>FY2006</b>	\$ 7,784,686.00	\$ (7,062,518.00)

**IMPACT ON STATE, COUNTY, AND LOCAL AGENCIES**

	<b>Total Award</b>	<b>20% State Agencies</b>	<b>80% County/Local Agencies</b>
<b>FY2003</b>	\$ 20,983,000.00	\$ 4,196,600.00	\$ 16,786,400.00
<b>FY2004</b>	\$ 22,409,000.00	\$ 4,481,800.00	\$ 17,927,200.00
<b>FY2005</b>	\$ 14,847,204.00	\$ 2,969,440.80	\$ 11,877,763.20
<b>FY2006</b>	\$ 7,784,686.00	\$ 1,556,937.20	\$ 6,227,748.80



**APPENDIX G**  
**Memorandum from Maine Hospital Association**



## Maine Hospital Association

*Representing community hospitals, health care organizations and the patients they serve.*

December 18, 2006

Contact: Mary Mayhew, Vice President Governmental Affairs and Communication

The Maine Hospital Association presents these comments on hospital surge capacity on behalf of all 39 Maine community hospitals.

At the direction of the Homeland Security Task Force, the Maine Centers for Disease Control and Prevention (Maine CDC) submitted a September 2006 report on hospital surge capacity, as an update to their 2004 survey on Maine's health system capacity to respond to public health emergencies. This year's results, like the original report, were compiled using self-reported data from hospitals who chose to participate in the survey.

Following your last Task Force meeting, we had the opportunity to further review the updated report and compare it with the data from previous years. We had questions related to the validity and comparability of the data, given the variable response rate and lack of uniform definitions. Accordingly, we shared our concerns with the Maine CDC and offered to prepare this summary using the data collected by the American Hospital Association (AHA) from all hospital nationwide. The AHA's long-standing nationwide annual hospital survey utilizes a standardized tool with clear consistent definitions. AHA has a 100% survey response rate and sends the survey to the same hospital contacts, year after year. Therefore, we believe the data is consistently reliable. The Maine CDC has reviewed this summary, and agrees with the substance of these comments.

We felt it important to provide this memo with the AHA data because we were concerned that there may be unrealistic expectations of Maine's current surge capacity based upon the information previously provided, although we absolutely agree with the Maine CDC's overall conclusion that Maine hospitals "are capable of responding well to events that require minimal surge capacity, but are well below the surge requirements that will be demanded by moderate or high-impact events..."

We believe that proper context for any surge capacity discussion must begin with a review of the federal funder's program and requirements. The federal grant money flowing to Maine's health care system for emergency preparedness is primarily from the Health Resources and Services Administration (HRSA), an agency of the U.S. Department of Health and Human Services. According to HRSA, their "National Bioterrorism Hospital Preparedness Program enhances the ability of hospitals and health care systems to prepare for and respond to bioterrorism and other public health emergencies. Program priority areas include improving bed and personnel surge capacity, decontamination capabilities, isolation capacity, pharmaceutical supplies, and supporting training, education, and drills and exercises." We should acknowledge that the limited HRSA grant funds are insufficient to cover the development of adequate surge capacity for Maine's hospitals.

The federal grant requirements define hospital surge capacity as the ability to triage, treat and stabilize 500 adult and pediatric patients per 1,000,000 population (1:2000), above the current daily staffed bed capacity. **Specifically, HRSA looks to the number of licensed beds minus the number of staffed beds.**

The following chart compares the number of licensed beds and number of staffed beds, by Maine CDC region, from 2004 to 2005, using the data collected by the AHA Association.

	Maine		Southern Region		Central Region		Eastern Region	
	2004	2005	2004	2005	2004	2005	2004	2005
Survey year	2004	2005	2004	2005	2004	2005	2004	2005
Licensed beds	4095	3995	1531	1536	1065	1055	1499	1404
Staffed beds	3469	3411	1331	1348	888	903	1250	1160

The next chart uses these data to compare the federal HRSA benchmark standard for hospital bed surge capacity to the Maine data, both statewide and by region for 2004 and 2005.

	Population	HRSA Benchmark (1:2000)	Hospital Bed Surge Capacity			
			2004 Data	Met HRSA standard?	2005 Data	Meet HRSA standard?
Maine	1,276,978	638	626	No	584	No
Central Region	344,718	172	177	Yes	152	No
Eastern Region	438,761	219	249	Yes	244	Yes
Southern Region	493,499	247	200	No	188	No

These data show that the total number of licensed and staffed hospital beds in Maine has decreased from 2004 to 2005, due in part to the increase additional hospital conversions to Critical Access Hospitals that are limited to 25 beds by federal law. Statewide, Maine does not meet the HRSA surge capacity benchmark.

Although these numbers alone are troubling, we also caution that this calculation relies on the total number of licensed beds, which may be misleading for two reasons. First, a hospital may have more licensed beds than it has actual beds because of the technological advances that have led to shorter hospital stays and more outpatient services, resulting in reduction of in-patient space. In some cases, the appropriate space to set up the full complement of licensed beds may no longer exist because of conversion of some of the original in-patient areas to other uses, such as storage or administration.

In addition to missing beds and inpatient space, the surge capacity numbers are deceptive because a bed is not functional until it is appropriately and safely staffed. We gratefully acknowledge the federal funds that have allowed our member hospitals to begin stockpiling key emergency equipment and supplies, but are very uneasy about Maine’s ability to find the additional qualified and licensed workforce necessary to staff the additional “surge” capacity beds, whether volunteer or paid.

We look forward to continuing the collaborative work that has done so much to increase hospitals’ ability to respond to any crisis because we recognize that our work is not done until, at a minimum, Maine meets all of the federal benchmarks for emergency preparedness.

**APPENDIX H**  
**Letter to Maine's Congressional Delegation**





## **TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS**

*Senator Ethan Strimling, Co-Chair*

*Representative Stanley Gerzofsky, Co-chair*

January 15, 2006

The Honorable Olympia J. Snowe  
United States Senate  
154 Russell Senate Office Building  
Washington, D.C. 20510-1903

The Honorable Susan M. Collins  
United States Senate  
154 Russell Senate Office Building  
Washington, D.C. 20510-1903

The Honorable Thomas H. Allen  
United States House of Representatives  
1717 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Michael H. Michaud  
United States House of Representatives  
437 Cannon House Office Building  
Washington, D.C. 20515

Dear Senator Snowe, Senator Collins, Congressman Allen and Congressman Michaud:

The Task Force to Study Maine's Homeland Security Needs, which was established by the Maine Legislature, began its work in October of 2005. Over the course of a year we held more than 10 public meetings across the state and heard from over 250 members of the public, representatives of private organizations and local, state and federal officials. In November 2006, we held our final work sessions and developed recommendations included in the final report of the Task Force. We have enclosed a copy of this report for your review.

In addition to proposing state legislation to implement the Task Force recommendations, we identified several items that would require action at the federal level. We hope you will consider the following recommendations:

1. Shift federal funding priorities and enact legislation that will provide each state with their fair and reasonable share of homeland security and public health bioterrorism grant funding.
2. Implement a national notification system that can warn people of an occurring or impending disaster and direct them to sources of additional information.
3. Develop a national communication plan that allows communication between the federal government and states when regular phone, computer and satellite systems are overburdened or are not interoperable.
4. Ensure full operation of the Emergency System for Advance Registration of Voluntary Health Professionals (ESAR VHP).

5. Establish plans for national emergency strike teams that are hospital-based or attached to existing National Guard or U.S. Army units.
6. Establish a national plan for distribution of all necessities, vaccines or medications during a pandemic event, such as the avian flu, or other national emergency.
7. Develop a plan to address national health system surge capacity including the availability of and access to vaccines, medications, and patient care.
8. Develop a national computerized surveillance system for all containers that would allow virtual inspection of every container coming into the country.
9. Develop a plan to accelerate the removal of existing nuclear materials from the former U.S.S.R. and other countries or groups that may be stockpiling old nuclear materials or weapons of mass destruction.
10. Adopt the philosophy that homeland security funding be based on an “all hazards” approach and kept separate from preventative public health funding.

As listed in item #1 above, we believe the most important action the federal government can take is to shift spending priorities and enact legislation that includes the content the Homeland Security Grant Enhancement Act sponsored by Senator Susan Collins in 2005. Therefore, our final Task Force report includes a request that Maine’s incoming 123<sup>rd</sup> Legislature memorialize the Congress and the President of the United States urging the federal government to provide each state with its fair share of funding so that all states may establish essential capabilities to prevent and respond to the next natural or man-made disaster or terrorist attack.

We appreciate your consideration of these recommendations and please feel free to contact either one of us if you have questions about the report.

Sincerely,

Senator Ethan Strimling  
Co-Chair

Sincerely,

Representative Stanley Gerzofsky  
Co-Chair

