

§547. Emergency proclamation; Governor's powers

Whenever any disaster or catastrophe exists or appears imminent arising from the discharge of oil, the Governor shall by proclamation declare the fact and that an emergency exists in any or all sections of the State. If the Governor is temporarily absent from the State or is otherwise unavailable, the next person in the State who would act as Governor if the office of Governor were vacant shall, by proclamation, declare the fact and that an emergency exists in any or all sections of the State. A copy of the proclamation must be filed with the Secretary of State. The Governor shall have general direction and control of the department and shall be responsible for carrying out the purposes of this subchapter. [PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §113 (AMD).]

In the event of an oil spill emergency, the commissioner shall represent the Governor in all direct abatement, clean-up and resource protection activities in coordination with federal, industry and other states' response teams in accordance with Title 37-B, section 742, subsection 3. [PL 1991, c. 454, §7 (NEW).]

In performing the duties under this subchapter, the Governor is authorized and directed to cooperate with all departments and agencies of the Federal Government, with the offices and agencies of other states and foreign countries, and the political subdivisions thereof, and with private agencies in all matters pertaining to a disaster or catastrophe. [RR 2021, c. 2, Pt. B, §243 (COR).]

In performing the duties under this subchapter, the Governor is further authorized and empowered: [RR 2021, c. 2, Pt. B, §244 (COR).]

1. Orders, rules and regulations. To make, amend and rescind the necessary orders, rules and regulations to carry out this subchapter within the limits of the authority conferred upon the Governor and not inconsistent with the rules, regulations and directives of the President of the United States or of any federal department or agency having specifically authorized emergency functions. [RR 2021, c. 2, Pt. B, §241 (COR).]

2. Delegation of authority. To delegate any authority vested in the Governor under this subchapter, and to provide for the subdelegation of any such authority.

Whenever the Governor is satisfied that an emergency no longer exists, the Governor shall terminate the proclamation by another proclamation affecting the sections of the State covered by the original proclamation, or any part thereof. The proclamation must be published in such newspapers of the State and posted in such places as the Governor, or the person acting in that capacity, considers appropriate. [RR 2021, c. 2, Pt. B, §242 (COR).]

3. Emergency management. The provisions of Title 37-B, chapter 13, as they apply to eminent domain and compensation, mutual aid, immunity, aid in emergency, right of way, enforcement and compensation, apply to disasters or catastrophes proclaimed by the Governor under this subchapter. [PL 2013, c. 462, §13 (AMD).]

SECTION HISTORY

PL 1969, c. 572, §1 (NEW). PL 1971, c. 618, §12 (AMD). PL 1973, c. 788, §212 (AMD). PL 1989, c. 890, §§A40, B113 (AMD). PL 1991, c. 454, §7 (AMD). PL 2013, c. 462, §13 (AMD). RR 2021, c. 2, Pt. B, §§241-244 (COR).

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