

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2017 to December 31, 2017**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5*

**Agency name:** Department of Defense, Veterans and Emergency Management,  
**Maine Emergency Management Agency**  
**Umbrella-Unit:** **15-214**  
**Statutory authority:** 37-B MRS §745  
**Chapter number/title:** **Ch. 5, Maine Disaster Recovery Fund**  
**Filing number:** **2017-073**  
**Effective date:** 6/10/2017  
**Type of rule:** Major Substantive  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This major substantive rule governs the process for the expenditure of funds from the Disaster Recovery Fund, established pursuant to Title 37-B MRS §745. It establishes priorities for use of the Fund among the uses authorized by statute including aid to individuals and families, aid to municipalities and low-interest loans to businesses. It also defines under what circumstances use of the Fund will be authorized and provides for administration of the Fund in conjunction with state agency and nonprofit partners

**Basis statement:**

This major substantive rule governs the process for the expenditure of funds from the Disaster Recovery Fund, established pursuant to Title 37-B MRS §745. It establishes priorities for use of the Fund among the uses authorized by statute including aid to individuals and families, aid to municipalities and low-interest loans to businesses. It also defines under what circumstances use of the Fund will be authorized and provides for administration of the Fund in conjunction with state agency and nonprofit partners.

The Maine Emergency Management Agency oversees the administration of the Maine Disaster Recovery Fund. The Fund is established under Title 37-B MRS §745 and until now has only been used to pass through State funding to County, Local and Tribal jurisdictions during the recovery from Presidentially-declared major disasters. The rule sets priorities, establishes procedures and thresholds for use of the Fund for incidents which may significantly impact the State of Maine and its jurisdictions, yet not rise to the level of a Presidentially-declared major disaster under the *Robert T. Stafford Act*. The rule outlines in high-level terms the ability of the Governor and the Agency to administer the Fund in conjunction with other disaster response/relief partner agencies.

The rule is modeled on Federal law in the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (PL 93-288) as amended: <https://www.fema.gov/robert-t-stafford-disaster-relief-and-emergency-assistance-act-public-law-93-288-amended> .

The Agency also considered its own historical data during development of the rule, such as administrative records from past declared disasters, as well as data collected on events that did not reach the Presidential declaration threshold. Other documents developed by the Agency and its partners such as the Maine Interagency Disaster Recovery Plan, the Maine Donations Coordination Plan and the Maine Disaster Relief Fund Guidelines (an annex to the Donations Coordination Plan) were used to guide the development of the proposed rules. Links to the working drafts of these documents can be found at: <http://www.maine.gov/mema/rulemaking/> .

**Fiscal impact of rule:**

There will be no adverse fiscal impact on municipalities or counties; instead, the rule provides a fiscal benefit to local governments which qualify for disaster recovery funds.