

A member of the organized militia may not be arrested on any process not issued by a military authority while going to, remaining at, or returning from a place that the member is required to attend for military duty.

§14–101.

(a) In this subtitle the following words have the meanings indicated.

(b) “Director” means the Director of MEMA.

(c) “Emergency” means the threat or occurrence of:

(1) a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, and any other disaster in any part of the State that requires State assistance to supplement local efforts in order to save lives and protect public health and safety; or

(2) an enemy attack, act of terrorism, or public health catastrophe.

(d) (1) “Emergency management” means the preparation for and carrying out of functions in an emergency in order to save lives and to minimize and repair injury and damage that result from emergencies beyond the capabilities of local authorities.

(2) “Emergency management” does not include the preparation for and carrying out of functions in an emergency for which military forces are primarily responsible.

(e) “Local organization for emergency management” means an organization established by a political subdivision or other local authority under § 14-109 of this subtitle.

(f) “MEMA” means the Maryland Emergency Management Agency.

(g) “Political subdivision” means a county or municipal corporation of the State.

§14–102.

(a) To ensure that the State will be adequately prepared to deal with emergencies that are beyond the capabilities of local authorities, to provide for the common defense, to protect the public peace, health, and safety, and to preserve the lives and property of the people of the State, it is necessary to:

- (1) establish a Maryland Emergency Management Agency;
- (2) authorize the establishment of local organizations for emergency management in the political subdivisions;
- (3) confer on the Governor and on the executive heads or governing bodies of the political subdivisions the emergency powers provided in this subtitle; and
- (4) provide for the rendering of mutual aid among the political subdivisions and with other states in carrying out emergency management functions.

(b) It is the policy of the State and the purpose of this subtitle to coordinate, to the maximum extent possible, all emergency management functions of the State with the comparable functions of the federal government, other states, other localities, and private agencies, so that the most effective preparation and use may be made of the resources and facilities available for dealing with any emergency.

§14-103.

- (a) There is a Maryland Emergency Management Agency in the Military Department.
- (b) MEMA is a unit of State government.

§14-104.

- (a) The Governor shall appoint the Director of MEMA.
- (b) The Director serves at the pleasure of the Governor.
- (c)
 - (1) The Director is in the executive service of the State Personnel Management System and is entitled to the salary provided in the State budget.
 - (2) The Director's employment is not subject to the conditions and limitations of the State Personnel and Pensions Article.
- (d)
 - (1) The Director is the executive head of MEMA.
 - (2) The Director is responsible to the Governor for carrying out the State emergency management program.

(3) If the Governor has formally declared the threat or occurrence of an emergency, the Director shall coordinate the activities of all organizations for emergency management operations in the State.

(4) The Director, in collaboration with other public and private agencies in the State, shall develop or cause to be developed mutual aid agreements for reciprocal emergency aid and assistance in case of emergency of an extreme nature that affects two or more political subdivisions.

(5) The Director shall maintain liaison and cooperate with emergency management agencies and organizations of other states and the federal government.

(e) The Director may employ personnel in accordance with the State budget and subject to the conditions and limitations of the State Personnel and Pensions Article.

(f) The Director may make expenditures within the appropriations in the State budget or from other money made available to the Director for purposes of emergency management as necessary to carry out this subtitle.

§14-105.

(a) There is an Emergency Management Advisory Council.

(b) The Council consists of the members that the Governor designates, including:

(1) fair and reasonable representation for local government;

(2) representation for organizations that represent volunteer firefighters and rescue squads; and

(3) representation from manufacturing, utilities, and communications industries.

(c) A member of the Council:

(1) may not receive compensation for service on the Council; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(d) The Council shall advise the Governor on all matters that relate to emergency management.

(e) On or before December 31, 2005, and on or before December 1 of each year thereafter, the Council shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly concerning its activities and recommendations.

§14–106.

(a) (1) The Governor:

- (i) has control of and is responsible for MEMA; and
- (ii) is responsible for carrying out this subtitle.

(2) In the event of the threat or occurrence of an emergency, the Governor may assume direct operational control over all or part of an emergency management function created or authorized by this subtitle and Subtitles 2 and 4 of this title.

(3) The Governor may delegate the powers the Governor sees fit to an individual who is employed:

- (i) in the Executive Department of State government;
- (ii) as a secretary of a principal department; or
- (iii) as the head of an independent State agency.

(b) In performing duties under this subtitle, the Governor:

(1) may cooperate with the federal government, other states, and private agencies in all matters that relate to the emergency management operations of this State and the United States;

(2) may issue orders, rules, and regulations necessary or desirable to:

- (i) carry out this subtitle;
- (ii) prepare and revise, as necessary, a comprehensive plan and program for the emergency management operations of this State;

(iii) integrate the plan and program of this State with the emergency management operations plans of the federal government and other states; and

(iv) coordinate the preparation of plans and programs for emergency management operations by the political subdivisions;

(3) may authorize the procurement of supplies and equipment, the institution of training programs including the process for licensing, certifying, or credentialing health care practitioners developed under § 18-903(c) of the Health - General Article, public information programs, and other steps to prepare for an emergency;

(4) may authorize studies and surveys of industries, resources, and facilities in the State as necessary or desirable to:

(i) ascertain the State's capabilities for emergency management operations; and

(ii) prepare plans for the emergency management of resources in accordance with the national plan for emergency preparedness;

(5) may appoint, in cooperation with local authorities, directors of local organizations for emergency management, may delegate to the directors any administrative authority vested in the Governor under this subtitle, and may provide for the subdelegation of that authority; and

(6) may delegate the Governor's authority under this subsection to an individual who is employed:

(i) in the Executive Department of State government;

(ii) as a secretary of a principal department; or

(iii) as the head of an independent State agency.

(c) (1) In addition to emergency prevention measures included in the State, local, and interjurisdictional emergency plans, the Governor shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of potential emergencies.

(2) (i) At the direction of the Governor, and in accordance with any other authority and competence they have, State agencies shall study matters related to emergency prevention.

(ii) State agencies required to study matters related to emergency prevention include those charged with responsibilities in connection with flood plain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards.

§14-107.

(a) (1) If the Governor finds that an emergency has developed or is impending due to any cause, the Governor shall declare a state of emergency by executive order or proclamation.

(2) The state of emergency continues until the Governor:

(i) finds that the threat or danger has passed or the emergency has been dealt with to the extent that emergency conditions no longer exist; and

(ii) terminates the state of emergency by executive order or proclamation.

(3) A state of emergency may not continue for longer than 30 days unless the Governor renews the state of emergency.

(4) (i) The General Assembly by joint resolution may terminate a state of emergency at any time.

(ii) After the General Assembly terminates a state of emergency, the Governor shall issue an executive order or proclamation that terminates the state of emergency.

(b) (1) Each executive order or proclamation that declares or terminates a state of emergency shall indicate:

(i) the nature of the emergency;

(ii) the area threatened; and

(iii) the conditions that have brought about the state of emergency or that make possible the termination of the state of emergency.

(2) Each executive order or proclamation shall be:

(i) disseminated promptly by means calculated to publicize its contents; and

(ii) unless prevented or impeded by the circumstances of the emergency, filed promptly with:

1. MEMA;
2. the State Archives; and
3. the chief local records-keeping agency in the area to which the executive order or proclamation applies.

(c) (1) After the Governor declares a state of emergency, the Director shall coordinate the activities of the agencies of the State and of those political subdivisions included in the declaration in all actions that serve to prevent or alleviate the ill effects of the imminent or actual emergency.

(2) An executive order or proclamation that declares a state of emergency:

(i) activates the emergency response and recovery aspects of the State and local emergency plans applicable to the political subdivision or area covered by the declaration; and

(ii) is authority for:

1. the deployment and use of resources to which the State or local plans apply; and
2. the use or distribution of supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available in accordance with this subtitle or any other law that relates to emergencies.

(d) (1) After declaring a state of emergency, the Governor, if the Governor finds it necessary in order to protect the public health, welfare, or safety, may:

(i) suspend the effect of any statute or rule or regulation of an agency of the State or a political subdivision;

(ii) direct and compel the evacuation of all or part of the population from a stricken or threatened area in the State;

(iii) set evacuation routes and the modes of transportation to be used during an emergency;

(iv) direct the control of ingress to and egress from an emergency area, the movement of individuals in the area, and the occupancy of premises in the area;

(v) authorize the use of private property, in which event the owner of the property shall be compensated for its use and for any damage to the property;

(vi) provide for temporary housing; and

(vii) authorize the clearance and removal of debris and wreckage.

(2) The powers of the Governor under this subsection are in addition to any other authority vested in the Governor by law.

§14–108.

(a) After a state of emergency is declared in another state and the Governor receives a written request for assistance from the executive authority of that state, the Governor may:

(1) authorize use in the other state of personnel, equipment, supplies, or materials of this State, or of a political subdivision with the consent of the executive officer or governing body of the political subdivision; and

(2) suspend the effect of any statute or rule or regulation of an agency of the State or, after consulting with the executive officer or governing body of a political subdivision, a rule or regulation of an agency of a political subdivision, if the Governor finds that the suspension is necessary to aid the other state with its emergency management functions.

(b) (1) The Governor shall authorize the use of resources or the suspension of the effect of any statute, rule, or regulation under subsection (a) of this section by executive order.

(2) An executive order issued under this section may not continue for longer than 30 days unless the Governor renews the executive order.

(3) Each executive order issued under this section shall indicate:

(i) the nature of the emergency in the other state; and

(ii) any circumstances that make suspension of a statute, rule, or regulation necessary to aid the other state with its emergency management functions.

(4) Each executive order shall be:

(i) disseminated promptly by means calculated to publicize its contents; and

(ii) filed promptly with:

1. MEMA;

2. the State Archives; and

3. each agency of the State or a political subdivision that is authorized by the order to use resources in the other state or responsible for the enforcement of any provisions that are suspended by the executive order.

§14-109.

(a) Each political subdivision shall:

(1) establish a local organization for emergency management in accordance with the State emergency management plan and program; and

(2) participate in federal programs for emergency management.

(b) (1) On recommendation of the mayor, executive, or governing body of the political subdivision, the Governor shall appoint a director of emergency management for each local organization for emergency management.

(2) Each director of a local organization for emergency management is directly responsible for the organization, administration, and operation of the local organization for emergency management.

(3) Each director of a local organization for emergency management is subject to the direction and control of the mayor, executive, or governing body of the political subdivision, under the general power of the Governor.

(c) (1) Subject to the budget of the political subdivision, each local organization for emergency management shall include those programs and positions recommended periodically by MEMA to meet federal and State standards.

(2) (i) In a county in which there is a local merit system or classified service for the general employees of the county, the employees and officers of the local organization for emergency management are included in and subject to all rights, duties, privileges, and responsibilities of that system or service.

(ii) Subparagraph (i) of this paragraph does not apply to the director of the local organization for emergency management.

(3) (i) If a county does not have a local merit system or classified service, the governing body of the county, or the board of estimates of Baltimore City, may include by regulation the employees and officers of the local organization for emergency management in the classified service of the State Personnel Management System.

(ii) Subparagraph (i) of this paragraph does not apply to the director of the local organization for emergency management.

(iii) 1. Except as otherwise provided by law, during the effective period of the regulation the employees and officers are subject to the rights, duties, privileges, and responsibilities of Division I of the State Personnel and Pensions Article.

2. The governing body of the county or the Mayor of Baltimore is the appointing officer under Division I of the State Personnel and Pensions Article.

(4) Paragraph (3) of this subsection does not remove from the governing body of a county or from the Mayor and City Council of Baltimore the power to establish and regulate the compensation, vacation allowance, or sick leave of all employees and officers of the local organization for emergency management in the county or Baltimore City.

(d) Each political subdivision may make appropriations in the manner provided by law to pay the expenses of its local organization for emergency management.

§14-110.

(a) (1) Each county shall:

(i) prepare an Emergency Preparedness Plan for responding to an emergency that involves hazardous materials or controlled hazardous substances, as defined in the Environment Article; and

(ii) review the Plan annually and submit any changes to the Director so that the Director may maintain current and accurate information about the Plan.

(2) Each county shall submit its Emergency Preparedness Plan to the Director on or before October 1, 1998.

(b) (1) A local organization for emergency management shall submit to the Director a radiological emergency response plan if the political subdivision in which the local organization for emergency management is located:

(i) falls within the plume or ingestion zone of a commercial nuclear reactor; or

(ii) might reasonably be expected to host evacuees from another jurisdiction in a plume or ingestion zone.

(2) The radiological emergency response plan shall provide for the evacuation of the residents of the political subdivision as a result of an emergency caused by a dangerous release of radiation.

§14–110.1.

(a) In this section, “human service facility” means a facility licensed by the State that is:

(1) a nursing home, as defined in § 19–1401 of the Health – General Article;

(2) an assisted living facility, as defined in § 19–1801 of the Health – General Article;

(3) a hospital, as defined in § 19–301 of the Health – General Article;

(4) a related institution as defined in § 19–301 of the Health – General Article;

(5) a State–operated institution for mental disease;

(6) a group home as defined in § 7–101 of the Health – General Article;

(7) an alternative living unit as defined in § 7–101 of the Health – General Article; and

(8) a State residential center as defined in § 7–101 of the Health – General Article.

(b) A human service facility shall develop an emergency plan.

(c) An emergency plan shall include procedures that will be followed before, during, and after an emergency to address:

(1) the evacuation, transportation, or shelter-in-place of individuals served by the human service facility;

(2) the notification to families, staff, and licensing authorities regarding the action that will be taken concerning the safety and well-being of the individuals served by the human service facility;

(3) staff coverage, organization, and assignment of responsibilities; and

(4) the continuity of operations, including:

(i) procuring essential goods, equipment, and services; and

(ii) relocation to alternate facilities.

(d) (1) This subsection does not prohibit a human service facility from applying for and receiving reimbursement:

(i) under any applicable insurance policy; or

(ii) from any State or federal funds that may be available due to a declared State or federal emergency.

(2) A human service facility is solely responsible for any financial obligation arising from voluntary or mandatory activation of any aspect of the emergency plan developed by the human service facility under this section.

(e) (1) On or before November 30, 2007, a State agency that is responsible for the licensing of a human service facility shall adopt regulations governing the development of emergency plans under this section.

(2) Regulations adopted under paragraph (1) of this subsection shall be developed in consultation with representatives of:

- (i) the Maryland Emergency Management Agency;
- (ii) the Maryland Institute for Emergency Medical Services Systems;
- (iii) local organizations for emergency management; and
- (iv) human service facilities.

(f) For purposes of coordinating local emergency planning efforts, a human service facility shall provide access to the emergency plans developed under this section to local organizations for emergency management.

§14–110.2.

A public library shall be designated as providing an essential community service during an emergency as described under the Federal Emergency Management Agency Public Assistance Program provisions relating to federal disaster assistance and temporary relocation facilities.

§14–110.3.

(a) In this section, “kidney dialysis center” has the meaning stated in § 19–3B–01 of the Health – General Article.

(b) A kidney dialysis center shall have an emergency plan.

(c) An emergency plan shall include policies and procedures that will be followed before, during, and after an emergency to address:

(1) the safe management of individuals who are receiving services at the kidney dialysis center when an emergency occurs;

(2) notification of patients, families, staff, and licensing authorities regarding actions that will be taken concerning the provision of dialysis services to the individuals served by the kidney dialysis center;

(3) staff coverage, organization, and assignment of responsibilities;
and

(4) the continuity of operations, including procedures to secure access to essential goods, equipment, and dialysis services.

(d) (1) This subsection does not prohibit a kidney dialysis center from applying for and receiving reimbursement:

(i) under any applicable insurance policy; or

(ii) from any State or federal funds that may be available due to a declared State or federal emergency.

(2) A kidney dialysis center is solely responsible for any financial obligation arising from voluntary or mandatory activation of any aspect of the emergency plan developed by the kidney dialysis center under this section.

(e) For purposes of coordinating local emergency planning efforts, a kidney dialysis center shall provide access to the emergency plans developed under this section to local organizations for emergency management.

§14-308.

The State shall repair or replace any equipment, facilities, or property that is damaged while being used in accordance with the proclamation of a state of emergency.

§14-309.

(a) A person may not violate this subtitle or an order, rule, or regulation promulgated under this subtitle.

(b) In meeting the requirements of an order, rule, or regulation promulgated under this subtitle or in applying for a service or benefit provided by the State in the allocation or assignment of energy supplies, a person may not willfully:

(1) conceal a material fact;

(2) make a false, fictitious, or fraudulent statement or representation; or

(3) use a false writing or document that contains a false, fictitious, or fraudulent statement.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(2) A violation of the Maryland Vehicle Law for which a penalty is provided is not subject to the penalties of this section.

§14-3A-01.

(a) In this subtitle the following words have the meanings indicated.

(b) “Catastrophic health emergency” means a situation in which extensive loss of life or serious disability is threatened imminently because of exposure to a deadly agent.

(c) “Deadly agent” means:

(1) anthrax, ebola, plague, smallpox, tularemia, or other bacterial, fungal, rickettsial, or viral agent, biological toxin, or other biological agent capable of causing extensive loss of life or serious disability;

(2) mustard gas, nerve gas, or other chemical agent capable of causing extensive loss of life or serious disability; or

(3) radiation at levels capable of causing extensive loss of life or serious disability.

(d) “Exposure to a deadly agent” means a threat to human health caused by the release, distribution, or transmission of a deadly agent in:

(1) this State; or

(2) another jurisdiction because of movement into the State of the deadly agent or of individuals exposed to the deadly agent.

(e) “Health care provider” means:

(1) a health care facility as defined in § 19-114(d)(1) of the Health – General Article;

(2) a health care practitioner as defined in § 19-114(e) of the Health – General Article; and

(3) an individual licensed or certified as an emergency medical services provider under § 13–516 of the Education Article.

(f) “Secretary” means the Secretary of Health.

§14–3A–02.

(a) If the Governor determines that a catastrophic health emergency exists, the Governor may issue a proclamation under this subtitle.

(b) The proclamation shall indicate:

(1) the nature of the catastrophic health emergency;

(2) the areas threatened or affected; and

(3) the conditions that:

(i) led to the catastrophic health emergency; or

(ii) made possible the termination of the emergency.

(c) (1) The Governor shall rescind a proclamation issued under this section whenever the Governor determines that the catastrophic health emergency no longer exists.

(2) Unless renewed, the proclamation expires 30 days after issuance.

(3) The Governor may renew the proclamation for successive periods, each not to exceed 30 days, if the Governor determines that a catastrophic health emergency continues to exist.

§14–3A–03.

(a) After the Governor issues a proclamation under this subtitle, the Governor may issue the orders authorized in this section.

(b) (1) The Governor may order the Secretary or other designated official to:

(i) seize immediately anything needed to respond to the medical consequences of the catastrophic health emergency; and

(ii) work collaboratively, to the extent feasible, with health care providers to designate and gain access to a facility needed to respond to the catastrophic health emergency.

(2) The Governor may order the Secretary or other designated official to control, restrict, or regulate the use, sale, dispensing, distribution, or transportation of anything needed to respond to the medical consequences of the catastrophic health emergency by:

- (i) rationing or using quotas;
- (ii) creating and distributing stockpiles;
- (iii) prohibiting shipments;
- (iv) setting prices; or
- (v) taking other appropriate actions.

(3) If medically necessary and reasonable to treat, prevent, or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent, the Governor may order the Secretary or other designated official to:

- (i) require individuals to submit to medical examination or testing;
- (ii) require individuals to submit to vaccination or medical treatment unless the vaccination or treatment likely will cause serious harm to the individual;
- (iii) establish places of treatment, isolation, and quarantine; or
- (iv) require individuals to go to and remain in places of isolation or quarantine until the Secretary or other designated official determines that the individuals no longer pose a substantial risk of transmitting the disease or condition to the public.

(c) The Governor may order any health care provider, who does not voluntarily participate, to participate in disease surveillance, treatment, and suppression efforts or otherwise comply with the directives of the Secretary or other designated official.

(d) (1) The Governor may order the evacuation, closing, or decontamination of any facility.

(2) If necessary and reasonable to save lives or prevent exposure to a deadly agent, the Governor may order individuals to remain indoors or refrain from congregating.

§14-3A-04.

The Secretary may require an individual to go to and remain in a place of isolation or quarantine until the Secretary determines that the individual no longer poses a substantial risk of transmitting a disease or condition to the public if the individual:

- (1) is a competent adult; and
- (2) refuses an order under § 14-3A-03(b)(3) of this subtitle for:
 - (i) vaccination;
 - (ii) medical examination;
 - (iii) treatment; or
 - (iv) testing.

§14-3A-05.

(a) If the Secretary or other designated official requires an individual or a group of individuals to go to and remain in places of isolation or quarantine under § 14-3A-03(b)(3) of this subtitle, the Secretary shall issue a directive to the individual or group of individuals.

- (b) (1) The directive shall specify:
- (i) the identity of the individual or group of individuals that are subject to isolation or quarantine;
 - (ii) the premises that are subject to isolation or quarantine;
 - (iii) the date and time when the isolation or quarantine starts;
 - (iv) the suspected deadly agent causing the outbreak or disease, if known;
 - (v) the justification for the isolation or quarantine; and

(vi) the availability of a hearing to contest the directive.

(2) Except as provided in paragraph (3) of this subsection, the directive shall be:

(i) in writing; and

(ii) given to those subject to the directive before the directive takes effect.

(3) (i) If the Secretary or other designated official determines that the notice required in paragraph (2) of this subsection is impractical because of the number of individuals or geographical areas affected, the Secretary or other designated official shall ensure that the affected individuals are fully informed of the directive using the best possible means available.

(ii) If the directive applies to a group of individuals and it is impractical to provide individual written copies under paragraph (2) of this subsection, the written directive may be posted in a conspicuous place in the isolation or quarantine premises.

(c) (1) An individual or group of individuals isolated or quarantined under § 14-3A-03(b)(3) of this subtitle may request a hearing in a circuit court to contest the isolation or quarantine.

(2) A request for a hearing does not stay or enjoin an isolation or quarantine directive.

(3) A court that receives a request under this subsection shall hold a hearing within 3 days after receipt of the request.

(4) In any proceedings brought for relief under this subsection, the court may extend the time for a hearing:

(i) if the Secretary or other designated official shows that extraordinary circumstances exist that justify the extension; and

(ii) after considering the rights of the affected individual or group of individuals, the protection of the public health, the severity of the catastrophic health emergency, and the availability of any necessary witnesses and evidence.

(5) (i) The court shall grant the request for relief unless the court determines that the isolation or quarantine directive is necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent.

(ii) The court in making its determination may consider, if feasible, the means of transmission, the degree of contagion, and, to the extent possible, the degree of public exposure to the disease.

(6) Subject to paragraph (7) of this subsection, if the court issues an order that authorizes the isolation or quarantine, the order shall:

(i) identify the isolated or quarantined individual or group of individuals by name or shared characteristics;

(ii) specify factual findings warranting isolation or quarantine;
and

(iii) be in writing and given to the individual or group of individuals.

(7) If the court determines that the delivery required by paragraph (6)(iii) of this subsection is impractical because of the number of individuals or geographical area affected, the court shall ensure that the affected individuals are fully informed of the order using the best possible means available.

(d) (1) An order under subsection (c) of this section may authorize isolation or quarantine for not more than 30 days.

(2) Before the order expires, the Secretary or designated official may request the court to continue the isolation or quarantine for additional 30-day periods.

(3) The court shall base its decision on the standards provided under subsection (c)(5) of this section.

(e) If an individual cannot appear personally before the court, proceedings may be conducted:

(1) by the individual's authorized representative; and

(2) in a way that allows full participation by other individuals.

(f) (1) Subject to any emergency rules that the Court of Appeals adopts under paragraph (3) of this subsection, the court may order the consolidation of individual claims into group claims in proceedings brought under this section if:

(i) the large number of individuals involved or affected makes individual participation impractical;

(ii) questions of law or fact that are common to the individual claims or rights must be determined;

(iii) the group claims or rights to be determined are typical of the affected individual's claims or rights; or

(iv) the entire group will be adequately represented in the consolidation.

(2) The Court of Appeals shall appoint counsel to represent individuals or a group of individuals who are not otherwise represented by counsel.

(3) The Court of Appeals shall adopt emergency rules of procedure to facilitate the efficient adjudication of proceedings brought under this section.

§14-3A-06.

A health care provider is immune from civil or criminal liability if the health care provider acts in good faith and under a catastrophic health emergency proclamation.

§14-3A-07.

The authority granted under this subtitle is in addition to, and not in derogation of, any other authority that the Governor, the Secretary, or any other public official may exercise under other law.

§14-3A-08.

(a) (1) Except as provided in subsection (b) of this section, a person may not knowingly and willfully fail to comply with an order, requirement, or directive issued under this subtitle.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

(b) (1) A health care practitioner, as defined in § 19–114(e) of the Health – General Article, may not knowingly and willfully fail to comply with § 14–3A–03(c) of this subtitle.

(2) A health care practitioner who fails to comply with paragraph (1) of this subsection shall be subject to discipline under § 1–219 of the Health Occupations Article.

§14–401.

In this subtitle, “local governing body” means:

- (1) a board of county commissioners;
- (2) a county council; or
- (3) the Mayor and City Council of Baltimore.

§14–402.

(a) The powers in this section may be exercised only during the effective period of an official proclamation by the Governor that declares all or part of the county to be in an actual or threatened emergency area.

(b) If a majority of the members of the local governing body of a county are killed or are sick, incapacitated, missing, or otherwise unavailable for a temporary or indefinite period because of a military or warlike catastrophe, the Governor may exercise the administrative and executive powers of that local governing body until the number of members of the local governing body sufficient to operate the county government are appointed and qualify.

§14–111.

(a) Only the principal executive officer of a political subdivision may declare a local state of emergency.

(b) (1) Except with the consent of the governing body of the political subdivision, a local state of emergency may not continue or be renewed for longer than 30 days.

(2) An order or proclamation that declares, continues, or terminates a local state of emergency shall be:

- (i) given prompt and general publicity; and

(ii) filed promptly with the chief local records-keeping agency.

(c) Declaration of a local state of emergency:

(1) activates the response and recovery aspects of any applicable local state of emergency plan; and

(2) authorizes the provision of aid and assistance under the applicable plan.

§14-112.

(a) (1) Expenditures necessitated by emergencies shall first be made using money regularly appropriated to State and local agencies.

(2) If the Governor finds that regularly appropriated money is inadequate to cope with an emergency, the Board of Public Works may make contingency money available in accordance with the State budget.

(b) The State may:

(1) accept any allotment of federal money and commodities and manage and dispose of them in whatever manner may be required by federal law; and

(2) take advantage of the federal Disaster Relief Act of 1974 and any amendments or supplements to it, and any other federal law that provides grants and public assistance for the purposes of this subtitle and Subtitles 2 and 4 of this title.

(c) (1) In carrying out this subtitle, the Governor, Director, and executive officers or governing bodies of the political subdivisions shall use the services, equipment, supplies, and facilities of existing agencies and units of the State and the political subdivisions to the maximum extent practicable.

(2) The officers and personnel of the agencies and units of the State and the political subdivisions shall cooperate with and extend services and facilities to the Governor, Adjutant General, Director, and the local organizations for emergency management on request.

(3) At the direction of the Governor, the Maryland National Guard shall use its services, equipment, supplies, and facilities in life-threatening emergencies that are beyond the capabilities of local authorities.

(d) (1) If the federal government, another state, or an agency or officer of the federal government or another state offers to this State or a political subdivision services, equipment, supplies, materials, or money by way of gift, grant, or loan for purposes of emergency management, the State acting through the Governor, or the political subdivision acting with the consent of the Governor and through its executive officer or governing body, may:

(i) accept the offer; and

(ii) authorize an officer of this State or the political subdivision to receive the services, equipment, supplies, materials, or money.

(2) If a person offers to the State or a political subdivision aid or assistance, the State or political subdivision may accept the aid and assistance in accordance with paragraph (1) of this subsection.

§14–113.

(a) Each emergency management agency established under this subtitle and its officers shall execute and enforce the orders, rules, and regulations made by the Governor under authority of this subtitle.

(b) With respect to the threat or occurrence of an enemy attack, act of terrorism, or public health catastrophe, each law enforcement officer of the State or a political subdivision and each health officer of a political subdivision shall execute and enforce the orders, rules, and regulations made by the Governor under authority of this subtitle.

§14–114.

(a) A person may not violate an order, rule, or regulation issued under the authority of this subtitle.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

(2) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

§14–115.

This subtitle may be cited as the Maryland Emergency Management Agency Act.

§14–201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Court” means a court of competent jurisdiction of the State, whether or not a court of record.

(c) “Person in emergency management service” means a person who, during the emergency period to which this subtitle is applicable, is a member of or works for the Maryland Emergency Management Agency or a local emergency management organization.

(d) “Person suffering injury or damage” means a person who, during the emergency period to which this subtitle is applicable:

(1) suffers serious personal injury;

(2) suffers extensive damage to property owned by the person; or

(3) has an immediate family member who:

(i) dies;

(ii) suffers serious personal injury; or

(iii) suffers extensive damage to property owned by the family

member.

§14–202.

(a) The purposes of this subtitle are:

(1) to provide for, strengthen, and expedite national defense when emergency conditions threaten the peace and security of the United States and the State; and

(2) to enable the State to fulfill more successfully the requirements of national defense.

(b) To achieve these purposes, this subtitle temporarily suspends:

(1) enforcement of civil liabilities against persons in emergency management service to enable them to devote their entire energy to the emergency management needs of the State and the United States;

(2) enforcement of civil liabilities against persons suffering injury or damage to enable them to devote their entire energy to the cure or improvement of the injuries or damage suffered; and

(3) legal proceedings and transactions that may prejudice the civil rights of persons in emergency management service or persons suffering injury or damage during the emergency period to which this subtitle is applicable.

§14–203.

(a) This subtitle applies to proceedings in any court.

(b) This subtitle applies only during the effective period of an official proclamation by the Governor that declares a stated area to be within an actual or threatened emergency or disaster area.

§14–204.

(a) This subtitle shall be enforced in accordance with:

(1) the usual procedures of the court in which the proceedings are pending; or

(2) the rules adopted by the court in which the proceedings are pending.

(b) If this subtitle requires that a motion be filed in a court in which no proceeding is pending with respect to the matter, the motion may be filed in any court.

§14–205.

(a) If in accordance with this subtitle a court stays, postpones, or suspends the enforcement of an obligation or liability, the prosecution of a suit or proceeding, the entry or enforcement of an order, writ, judgment, or decree, or the performance of any other act, the court may also grant the same stay, postponement, or suspension to a surety, guarantor, endorser, or other person subject to the same obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

(b) If in accordance with this subtitle a court vacates or sets aside all or part of a judgment or decree, the court may also vacate or set aside all or part of the

judgment or decree as to a surety, guarantor, endorser, or other person liable under the contract or liability for the enforcement of which the judgment or decree was entered.

§14–206.

(a) Notwithstanding any other provision of this subtitle, if in a proceeding to enforce a civil right in a court the court finds that an interest, property, or contract was transferred or acquired with intent to delay the just enforcement of the civil right by taking advantage of this subtitle, the court shall enter an appropriate judgment or issue an appropriate order.

(b) On its own initiative or otherwise, a court may revoke, modify, or extend an interlocutory order issued by the court under this subtitle on notice to the affected parties as the court requires.

§14–207.

(a) (1) The period during which a person is a person in emergency management service or person suffering injury or damage is not included in computing any period of limitations applicable to bringing an action by or against:

- (i) the person in emergency management service;
- (ii) the person suffering injury or damage; or
- (iii) an heir, executor, administrator, or assign of:
 - 1. the person in emergency management service; or
 - 2. the person suffering injury or damage.

(2) Paragraph (1) of this subsection applies whether the cause of action accrues before the person becomes, or during the period that the person is, a person in emergency management service or person suffering injury or damage.

(b) (1) (i) If a person in emergency management service is reported missing, the person is presumed to continue to be a person in emergency management service until the person is accounted for.

(ii) If a person suffering injury or damage is reported missing, the person is presumed to continue to be a person suffering injury or damage until the person is accounted for.

(2) A period of limitations that begins or ends with the death of a person in emergency management service or person suffering injury or damage does not begin or end until the death:

- (i) is in fact confirmed; or
- (ii) is found by a court.

§14–208.

(a) (1) Before a court enters judgment in a proceeding in any court in which the defendant fails to appear:

(i) the plaintiff shall file in the court an affidavit that sets forth facts that show that the defendant is not a person in emergency management service or person suffering injury or damage; or

(ii) if the plaintiff is unable to file an affidavit in accordance with item (i) of this paragraph, the plaintiff shall file an affidavit that states that:

1. the defendant is a person in emergency management service or person suffering injury or damage; or

2. the plaintiff is unable to determine whether the defendant is a person in emergency management service or person suffering injury or damage.

(2) If the plaintiff does not file an affidavit in accordance with paragraph (1)(i) of this subsection, judgment may not be entered until the court:

(i) orders entry of the judgment; and

(ii) appoints an attorney to represent the defendant in accordance with paragraph (3) of this subsection.

(3) The court on motion shall appoint an attorney to represent the defendant and to protect the defendant's interests, if the defendant is a person in emergency management service or person suffering injury or damage.

(4) Unless the court finds that the defendant is not a person in emergency management service or person suffering injury or damage, the court before entering judgment may require that the plaintiff file a bond approved by the court to indemnify the defendant against any loss or damage that the defendant may suffer because of the judgment if all or part of the judgment is later set aside.

(5) The court may issue any other order or enter any judgment that the court considers necessary to protect the rights of the defendant under this subtitle.

(b) (1) If a person in emergency management service or person suffering injury or damage is party to a proceeding and does not personally appear in the proceeding or is not represented by an authorized attorney, the court may:

(i) appoint an attorney to represent the person;

(ii) require a bond to be filed like the bond required under subsection (a)(4) of this section; and

(iii) issue an order to protect the rights of the person.

(2) An attorney appointed under this subsection may not waive any right of the person for whom the attorney is appointed or bind the person by the attorney's acts.

(c) (1) Not later than 90 days after a defendant ceased to be a person in emergency management service or person suffering injury or damage, the defendant or legal representative of the defendant may file with the court that entered a judgment against the defendant in a proceeding subject to this section a motion to open the judgment against the defendant if:

(i) the judgment was entered during the period that the defendant was, or within 30 days after the defendant ceased to be, a person in emergency management service or person suffering injury or damage; and

(ii) the court finds that the defendant:

1. was prejudiced in defending against the action because the person was a person in emergency management service or person suffering injury or damage; and

2. has a meritorious or legal defense against all or part of the action in which the judgment was entered.

(2) Vacating, setting aside, or reversing a judgment because of this subtitle does not impair any right or title acquired by a bona fide purchaser for value under the judgment.

(d) (1) At any stage of a proceeding in a court in which a person in emergency management service or person suffering injury or damage is a plaintiff or defendant:

(i) on its own initiative the court may stay the proceeding; and

(ii) except as provided in paragraph (3) of this subsection, the court shall stay the proceeding on motion by the person in emergency management service, person suffering injury or damage, or another person acting on behalf of that person.

(2) A proceeding may be stayed under this subsection during the period that the plaintiff or defendant is, or within 60 days after the plaintiff or defendant ceased to be, a person in emergency management service or person suffering injury or damage.

(3) The court need not issue a stay under this subsection if the court finds that being a person in emergency management service or person suffering injury or damage did not materially affect the ability of the plaintiff to prosecute the action or the ability of the defendant to conduct a defense.

§14-209.

(a) If an action for compliance with the terms of a contract is stayed under this subtitle, a fine or penalty does not accrue because of failure to comply with the terms of the contract during the period of the stay.

(b) A court may provide relief against the enforcement of a fine or penalty for nonperformance of a contract if the court finds that:

(1) a person failed to perform an obligation and a fine or penalty for nonperformance was incurred;

(2) the fine or penalty was incurred during the period that the person was a person in emergency management service or person suffering injury or damage; and

(3) the ability of the person to pay the fine or penalty or perform the obligation was materially impaired because the person was a person in emergency management service or person suffering injury or damage.

§14-210.

(a) In a proceeding in a court against a person in emergency management service or person suffering injury or damage:

(1) on its own initiative the court may:

(i) stay the execution of a judgment or order entered against the person in emergency management service or person suffering injury or damage; and

(ii) vacate or stay an attachment or garnishment of property, money, or debts held by another person, whether before or after judgment; and

(2) subject to subsection (c) of this section, on motion of the person in emergency management service, person suffering injury or damage, or another person acting on behalf of that person, the court shall:

(i) stay the execution of a judgment or order entered against the person in emergency management service or person suffering injury or damage; and

(ii) vacate or stay an attachment or garnishment of property, money, or debts held by another person, whether before or after judgment.

(b) This section applies to a proceeding in a court before or during the period that the person is, or within 60 days after the person ceased to be, a person in emergency management service or person suffering injury or damage.

(c) The court need not vacate or stay a judgment or order entered or sought under this section if the court finds that the ability of the defendant to comply with the judgment or order entered or sought was not materially affected because the defendant was a person in emergency management service or person suffering injury or damage.

§14–211.

(a) Except as otherwise provided, a court under this subtitle may stay an action, proceeding, attachment, or execution:

(1) for all or part of the period during which a person is, and for 3 months after the person ceased to be, a person in emergency management service or person suffering injury or damage; and

(2) subject to the terms that the court considers just, including payment in installments in the amounts and at the times set by the court.

(b) Notwithstanding subsection (a) of this section, the court may allow a plaintiff to proceed against a co-defendant of a person in emergency management service or person suffering injury or damage.

§14–212.

(a) Except by order of court in a proceeding affecting the right of possession, an action for eviction or distress may not be brought against a person in emergency management service or person suffering injury or damage if:

(1) the rent for the premises does not exceed \$150 per month; and

(2) the premises are occupied for dwelling purposes by the spouse, children, or other dependents of the person in emergency management service or person suffering injury or damage.

(b) (1) In a proceeding affecting the right of possession:

(i) 1. on its own initiative the court may stay the proceeding for a period not exceeding 3 months; and

2. subject to paragraph (2) of this subsection, on motion the court shall stay the proceeding for a period not exceeding 3 months; or

(ii) the court may issue any other order.

(2) The court need not stay the action if the court finds that the ability of a tenant to pay the agreed rent was not materially affected because the tenant was a person in emergency management service or person suffering injury or damage.

§14–213.

(a) (1) For nonpayment of an installment due under a contract for the purchase of real or personal property or a contract of lease or bailment with the option to purchase the property, a person or the person's assignee may not exercise a right or option under the contract to rescind or terminate the contract or resume possession of the property if:

(i) the person or the person's assignee received under the contract a deposit or installment of the purchase price of the property from another person or the assignee of that person who, after making the deposit or installment,

became a person in emergency management service or person suffering injury or damage; and

(ii) the attempt to exercise the right or option under the contract occurred while the person who made the deposit or installment was a person in emergency management service or person suffering injury or damage.

(2) Paragraph (1) of this subsection does not apply if a court allows the person or the person's assignee to exercise the right or option under the contract.

(3) This subsection does not prevent the parties to a contract or their assignees from mutually agreeing in an executed writing, after the making of the contract and during or after the period that a party to the contract is a person in emergency management service, to:

(i) modify, terminate, or cancel the contract; or

(ii) repossess or retain the property purchased or received by that party under the contract.

(b) (1) After a hearing on the action:

(i) the court may order the repayment of all or part of any prior installment or deposit as a condition of terminating the contract and resuming possession of the property;

(ii) 1. on its own initiative the court may stay the action;
and

2. except as provided in § 14-215 of this subtitle, on motion by a person in emergency management service, person suffering injury or damage, or another person acting on behalf of that person, the court shall stay the action; or

(iii) the court may otherwise dispose of the case as it considers equitable to preserve the interests of the parties.

(2) The court need not stay the action if the court finds that the ability of the defendant to comply with the terms of the contract was not materially affected because the defendant was a person in emergency management service or person suffering injury or damage.

§14-214.

(a) This section applies only to an obligation that:

(1) is on real or personal property that is owned by a person when the person becomes a person in emergency management service or person suffering injury or damage;

(2) originates before the person became a person in emergency management service or person suffering injury or damage; and

(3) is secured by a mortgage, deed of trust, or other security in the nature of a mortgage.

(b) (1) In a proceeding in a court against a person in emergency management service or person suffering injury or damage to enforce an obligation subject to this section arising out of the nonpayment of a sum due under the obligation or arising out of a breach of the obligation that occurs before or during the period that the person is a person in emergency management service or person suffering injury or damage:

(i) on its own initiative the court, after hearing, may stay the proceeding or otherwise dispose of the case as it considers equitable to preserve the interests of the parties; and

(ii) except as provided in § 14-215 of this subtitle, on motion by a person in emergency management service, person suffering injury or damage, or another person acting on behalf of that person, the court shall stay the proceeding or otherwise dispose of the case as it considers equitable to preserve the interests of the parties.

(2) The court need not stay the proceeding if the court finds that the ability of the defendant to comply with the terms of the obligation was not materially affected because the defendant was a person in emergency management service or person suffering injury or damage.

(c) Except on an order of sale previously granted by a court and a return to the order made and approved by the court, a sale under a power of sale or under a judgment entered on a confession of judgment contained in an obligation subject to this section is not valid if made during the period that the person who owns the property is, or within 3 months after the person ceased to be, a person in emergency management service or person suffering injury or damage.

§14-215.

(a) Except if a court finds that 50% or more of the purchase price of a motor vehicle, tractor, or the accessories of a motor vehicle or tractor has been paid, a court may not stay a proceeding to resume possession of or to order the sale of a motor vehicle, tractor, or the accessories of a motor vehicle or tractor that is encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with an option to purchase.

(b) Before entering an order or judgment in a proceeding to resume possession of or to order the sale of a motor vehicle, tractor, or the accessories of a motor vehicle or tractor, the court may require the plaintiff to file a bond approved by the court to indemnify the defendant, if the defendant is a person in emergency management service or person suffering injury or damage, against any loss or damage that the defendant may suffer because of the judgment or order if all or part of the judgment or order is set aside.

§14–216.

(a) This section applies to real property:

(1) on which general or special taxes or assessments fall due but are not paid during the period a person is a person in emergency management service or person suffering injury or damage; and

(2) that:

(i) is owned and occupied as a dwelling or for agricultural or business purposes by the person in emergency management service, person suffering injury or damage, or a dependent or employee of that person when the person becomes a person in emergency management service or person suffering injury or damage; and

(ii) continues to be occupied by the dependents or employees.

(b) (1) Except by order of court granted on motion by the collector of taxes or another officer whose duty is to enforce the collection of taxes or assessments, the property of a person in emergency management service or person suffering injury or damage may not be sold to enforce the collection of a tax or assessment, and a proceeding to enforce the collection of a tax or assessment may not be brought, if the person in emergency management service, person suffering injury or damage, or another person acting on behalf of that person, files with the collector of taxes or other officer an affidavit that shows that:

(i) a tax or assessment has been assessed on property subject to this section;

(ii) the tax or assessment is unpaid; and

(iii) the person's ability to pay the tax or assessment is materially affected because the person is a person in emergency management service or person suffering injury or damage.

(2) The court may stay the proceedings or sale for a period not exceeding 6 months after the person owing the tax ceased to be a person in emergency management service or person suffering injury or damage.

(c) (1) Except as provided in paragraph (2) of this subsection, if by law property subject to this section is sold or forfeited to enforce the collection of a tax or assessment on the property, a person in emergency management service or person suffering injury or damage may redeem the property or bring an action to redeem the property not later than 6 months after the person ceased to be a person in emergency management service or person suffering injury or damage.

(2) Paragraph (1) of this subsection does not shorten any period for redemption provided by State law.

(d) (1) (i) If a tax or assessment on property subject to this section is not paid when due, interest on the tax or assessment due and unpaid shall accrue at the rate of 6% per year.

(ii) No other penalty or interest may be imposed because of the nonpayment.

(2) A lien for unpaid taxes or an unpaid assessment shall include any interest that accrues under this subsection.

§14-217.

(a) (1) If a person's ability to pay income tax is materially impaired because the person is a person in emergency management service or person suffering injury or damage, the collection of income tax from that person that was due before the person became, or that falls due during the period that the person is, a person in emergency management service or person suffering injury or damage shall be deferred for a period not exceeding 6 months after the person ceased to be a person in emergency management service or person suffering injury or damage.

(2) If the collection of income taxes is deferred under this section, the running of a statute of limitations against the collection of those taxes is suspended for a period of 9 months after the person ceased to be a person in emergency management service or person suffering injury or damage.

(b) (1) Interest on the amount of tax due and unpaid does not accrue during the period that the collection of the tax is deferred under this section.

(2) A penalty for nonpayment of tax does not accrue during the period that the collection of tax is deferred under this section.

§14-218.

(a) A person may not make or use an affidavit required under § 14-208 of this subtitle if the person knows the affidavit is false.

(b) A person may not knowingly participate in an eviction or distress in a manner other than in accordance with § 14-212 of this subtitle.

(c) A person may not knowingly resume possession of property subject to § 14-213 of this subtitle in a manner other than in accordance with § 14-213(a) of this subtitle.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

§14-219.

(a) (1) In this section the following words have the meanings indicated.

(2) “Declared State disaster or emergency” means any disaster or emergency event for which:

(i) the Governor proclaims a state of emergency;

(ii) a Presidential Declaration of a federal major disaster or emergency is issued; or

(iii) a widespread utility outage occurs.

(3) “Disaster- or emergency-related work” means repairing, renovating, installing, building, rendering services, or other business activities that relate to infrastructure that is damaged, impaired, or destroyed by the declared State disaster or emergency.

(4) “Disaster period” means a period that begins 10 days before the first day of the declared State disaster or emergency and extends for a period of 60 calendar days after the end of the declared State disaster or emergency.

(5) (i) “Infrastructure” means property and equipment owned or used by communications networks, electric generation facilities, electric and gas transmission and distribution systems, water pipelines, and related support facilities.

(ii) “Infrastructure” includes real and personal property.

(6) (i) “Out-of-state business” means a business entity that:

1. has no registrations, nexus, or tax filings in the State prior to the declared State disaster or emergency; and

2. is requested by a registered business or the State or a local government to perform disaster or emergency related work during a disaster period.

(ii) “Out-of-state business” includes a business entity that is affiliated with a registered business in the State solely through common ownership.

(7) “Out-of-state employee” means an employee who does not work in the State, except during a declared State disaster or emergency.

(8) “Registered business” means a business entity that is currently registered to do business in the State before the declared State disaster or emergency.

(b) An out-of-state business that performs disaster- or emergency-related work during a disaster period does not establish a level of presence that would require the out-of-state business or its out-of-state employees to be subject to:

(1) State or local licensing or registration requirements;

(2) State or county income taxes;

(3) unemployment insurance contributions;

(4) personal property tax; or

(5) any requirement to collect and remit the sales and use tax.

(c) (1) An out-of-state employee may not be required to pay State or county income taxes or be subject to income tax withholding requirements.

(2) An out-of-state business that employs an out-of-state employee may not be required to pay State or county income taxes or be subject to income tax withholding requirements with respect to any out-of-state employees.

(d) (1) An out-of-state business shall provide to the Comptroller a statement that the out-of-state business is in the State solely for purposes of performing disaster- or emergency-related work.

(2) The statement required under paragraph (1) of this subsection shall include for the out-of-state business:

- (i) the name;
- (ii) the state of domicile;
- (iii) the principal address;
- (iv) the federal tax identification number;
- (v) the date of entry into the State; and
- (vi) contact information.

(e) A registered business in the State shall provide the information required under subsection (d) of this section for any out-of-state business affiliate that enters the State to perform disaster- or emergency-related work.

§14-301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Alternate care site” means an area that:

- (1) (i) is not located on a health care facility’s premises; or
- (ii) is located on a health care facility’s premises in an area not typically used to provide medical services, nursing services, or other health-related services; and
- (2) is used by a licensed health care facility:

(i) to provide medical services, nursing services, or other health-related services during a declared state of emergency; and

(ii) that has access to an emergency electrical power generator.

(c) “Energy emergency” means a situation in which the health, safety, or welfare of the public is threatened by an actual or impending acute shortage in energy resources.

(d) “Health care facility” has the meaning stated in § 19–114 of the Health – General Article.

(e) “Public emergency” means:

(1) a situation in which three or more individuals are at the same time and in the same place engaged in tumultuous conduct that leads to the commission of unlawful acts that disturb the public peace or cause the unlawful destruction or damage of public or private property;

(2) a crisis, disaster, riot, or catastrophe; or

(3) an energy emergency.

§14–302.

(a) The General Assembly recognizes the Governor’s broad authority in the exercise of the police power of the State to provide adequate control over persons and conditions during impending or actual public emergencies.

(b) This subtitle shall be broadly construed to carry out the purpose of this subtitle.

§14–303.

(a) During a public emergency in the State, the Governor may proclaim a state of emergency and designate the emergency area:

(1) if public safety is endangered or on reasonable apprehension of immediate danger to public safety; and

(2) on:

(i) the Governor’s own initiative; or

(ii) the application of:

1. the chief executive officer or governing body of a county or municipal corporation; or
2. the Secretary of State Police.

(b) After proclaiming a state of emergency, the Governor may promulgate reasonable orders, rules, or regulations that the Governor considers necessary to protect life and property or calculated effectively to control and terminate the public emergency in the emergency area, including orders, rules, or regulations to:

- (1) control traffic, including public and private transportation, in the emergency area;
- (2) designate specific zones in the emergency area in which the occupancy and use of buildings and vehicles may be controlled;
- (3) control the movement of individuals or vehicles into, in, or from the designated zones;
- (4) control places of amusement and places of assembly;
- (5) control individuals on public streets;
- (6) establish curfews;
- (7) control the sale, transportation, and use of alcoholic beverages;
- (8) control the possession, sale, carrying, and use of firearms, other dangerous weapons, and ammunition;
- (9) control the storage, use, and transportation of explosives or flammable materials or liquids considered to be dangerous to public safety, including "Molotov cocktails"; and
- (10) authorize the use of alternate care sites.

(c) Before an order, rule, or regulation promulgated under subsection (b) of this section takes effect, the Governor shall give reasonable notice of the order, rule, or regulation:

- (1) in a newspaper of general circulation in the emergency area;

- (2) through television or radio serving the emergency area; or
 - (3) by circulating notices or posting signs at conspicuous places in the emergency area.
- (d) An order, rule, or regulation promulgated under subsection (b) of this section:
- (1) takes effect from the time and in the manner specified in the order, rule, or regulation;
 - (2) may be amended or rescinded, in the same manner as the original order, by the Governor at any time during the state of emergency; and
 - (3) terminates when the Governor declares that the state of emergency no longer exists.

§14-304.

(a) On reasonable apprehension that an energy emergency exists, the Governor may proclaim a state of emergency.

(b) Notwithstanding any other provision or limitation of State or local law, if the Governor proclaims a state of emergency under this section, in addition to any other order, rule, or regulation promulgated under this subtitle, the Governor may promulgate orders, rules, or regulations to:

- (1) establish and implement programs, controls, standards, priorities, and quotas for the allocation, conservation, and consumption of energy resources;
- (2) suspend and modify existing standards and requirements affecting or affected by the use of energy resources, including those that relate to air quality control, the type and composition of various energy resources, the production and distribution of energy resources, and the hours and days during which public buildings and commercial and industrial establishments are authorized or required to remain open; and
- (3) establish and implement regional programs and agreements to coordinate the energy resource programs and actions of the State with those of the federal government and of other states and localities.

(c) Instead of or in addition to the penalties provided in § 14-308 of this subtitle, an order, rule, or regulation promulgated by the Governor under this section may provide for:

(1) the imposition of a civil penalty not exceeding \$1,000 for each violation; and

(2) the method and conditions of collecting the civil penalty.

(d) (1) In this subsection, "Committee" means:

(i) the Joint Committee on Administrative, Executive, and Legislative Review; or

(ii) any other joint committee substituted by the General Assembly by law to carry out the responsibilities of the Joint Committee on Administrative, Executive, and Legislative Review with respect to an energy emergency.

(2) Before promulgating an order, rule, or regulation under this section, the Governor shall submit the order, rule, or regulation to the Committee for approval or rejection.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, if the Committee fails to take action on the order, rule, or regulation within 7 days after its submission, the order, rule, or regulation takes effect as promulgated by the Governor.

(ii) 1. If because of extraordinary circumstances it is not feasible to secure the prior approval of the Committee, an order, rule, or regulation takes effect immediately.

2. Within 2 days after it takes effect, the order, rule, or regulation shall be communicated to the chairman of the Committee.

3. The full Committee shall be convened within 5 days after the order, rule, or regulation is communicated to the chairman.

4. The order, rule, or regulation is subject to disapproval by the full Committee.

(4) All records of orders, rules, regulations, and Committee meetings are open to the public.

(e) This section does not authorize the establishment of oil refineries, deep water ports, offshore drilling facilities, or other similar major capital facilities.

(f) In addition to the specific emergency powers contained in this subtitle, the General Assembly recognizes and confirms the Governor's power to exercise fully the authority necessary to implement any federal mandatory energy emergency program as set forth in any federal programs, laws, orders, rules, or regulations that relate to the allocation, conservation, or consumption of energy resources.

§14-305.

(a) If the Governor proclaims that a state of emergency exists, each law enforcement agency, fire company, or rescue squad of the State, a county, or municipal corporation shall:

(1) cooperate in any manner requested by the Governor or the Governor's designated representative; and

(2) subject to subsection (b) of this section, allow the use of its equipment, facilities, and personnel if the use is required by the Governor or the Governor's designated representative.

(b) The use of equipment, facilities, and personnel under subsection (a)(2) of this section may not substantially interfere with the normal duties of a law enforcement agency, fire company, or rescue squad located outside an area designated by the Governor as an emergency area.

(c) (1) Subject to paragraph (2) of this subsection, if the Governor proclaims that a state of emergency exists, the Department of State Police may take any action it considers necessary to assist local law enforcement agencies.

(2) Any action that the Department of State Police takes under this subsection shall be reasonably calculated effectively to control and terminate the public emergency.

(d) A law enforcement agency of a county or municipal corporation shall notify the Secretary of State Police if the local law enforcement agency receives notice of a threatened or actual disturbance that indicates the possibility of serious domestic violence.

(e) Except as provided in § 14-306 of this subtitle, each law enforcement agency, fire company, or rescue squad of the State, a county, or municipal corporation within an emergency area shall operate under the direction of the person designated by order of the Governor.

§14–306.

(a) In this section, “militia” means the organized and unorganized militia as described in § 13-203 of this article.

(b) If the Governor proclaims that a state of emergency exists, the Governor may call the militia into action.

(c) (1) The militia shall have full power and responsibility for the area designated by the Governor as an emergency area.

(2) Each law enforcement agency, law enforcement official, fire company, and rescue squad in the emergency area, including the Department of State Police, shall cooperate with the militia and operate under its direction.

(d) The chief executive officer or governing body of a county or municipal corporation may request the Governor to provide the militia to help bring under control conditions existing within the county or municipal corporation that, in the requestor’s judgment, the local law enforcement agencies cannot control without additional personnel.

§14–307.

(a) In this section, “emergency” includes an emergency that results from fire, flood, riot, robbery, weather, or other cause.

(b) If an emergency exists in a political subdivision, the Governor may proclaim a day for the general cessation of business in that political subdivision.

(c) If an emergency exists as to a banking institution, the Governor:

(1) may proclaim a day on which the banking institution may remain closed; and

(2) shall limit the proclamation to the principal banking office and branch offices of the banking institution that the emergency affects.

§14–403.

(a) In this section, “executive officer” means the mayor or comparable official of the legislative body of a municipal corporation of the State.

(b) The powers in this section may be exercised only during the effective period of an official proclamation by the Governor that declares all or part of the municipal corporation to be in an actual or threatened emergency area.

(c) (1) If an executive officer is killed or is sick, incapacitated, missing, or otherwise unavailable for a temporary or indefinite period because of a military or warlike catastrophe, and the municipal corporation is unable to fill that vacancy for a temporary or indefinite period, the local governing body of the county in which the municipal corporation is located may appoint an individual to fill the vacancy for a temporary or indefinite period.

(2) If the vacancy is in a municipal corporation that is located in more than one county:

(i) the local governing body of any of the counties in which part of the municipal corporation is located may appoint an individual to fill the vacancy; or

(ii) the local governing bodies of the counties may agree to appoint an individual to fill the vacancy.

(d) To the extent possible, each appointee shall have the qualifications required for the particular office to which appointed.

(e) Each appointee may exercise the powers and prerogatives of an officer elected to the position.

(f) Each appointee shall hold office until:

(1) the executive officer originally holding the position returns to the position; or

(2) the position is filled by the regular election and qualification of a successor.

(g) Under the circumstances described in this section, the Governor may exercise the executive and administrative powers of the municipal government until the number of individuals sufficient to operate the municipal government are appointed and qualified as executive officers.

§14-404.

(a) In this section, “tax district” includes:

- (1) a special tax area;
- (2) a special tax district;
- (3) a sanitary district; and
- (4) a water district.

(b) The powers in this section may be exercised only during the effective period of an official proclamation by the Governor that declares all or part of the tax district to be in an actual or threatened emergency area.

(c) If a majority of the members of the governing body of a tax district in the State are killed or are sick, incapacitated, missing, or otherwise unavailable for a temporary or indefinite period because of a military or warlike catastrophe, and the tax district is unable to function normally for a temporary or indefinite period, the Governor may exercise the executive and administrative powers of the tax district until the number of members of the governing body of the tax district sufficient to operate the governing body are appointed and qualified in accordance with the procedures of the governing body.

§14-405.

(a) (1) If there is serious human suffering, death, personal injury, or property damage in a county because of a military or warlike catastrophe, the local governing body has the powers granted in this section.

(2) The powers in this section may be exercised only during the effective period of an official proclamation by the Governor that declares all or part of the county to be in an actual or threatened emergency area.

(b) The local governing body may borrow money or contract for materials or services on the faith and credit of the county.

(c) (1) To pay for the money borrowed or the materials or services contracted for under subsection (b) of this section, the local governing body may issue bonds, notes, or other certificates of indebtedness on the faith and credit of the county to a person or governmental unit that lends the money or supplies the materials or services.

(2) The local governing body may set the terms, conditions, rate of interest, and provisions for repayment of the bonds, notes, or other certificates of indebtedness issued under this subsection.

(d) The local governing body may impose a special levy on taxable property in the county in an amount sufficient to:

(1) pay for the money borrowed or the materials and services contracted for under subsection (b) of this section; and

(2) make all payments of principal and interest on the bonds, notes, or other certificates of indebtedness issued under subsection (c) of this section that are outstanding.

(e) Money, materials, or services obtained under subsection (b) of this section may be secured, expended, or used in cooperation with other governmental units on a matching basis or otherwise as determined by the local governing body.

(f) Any legal restrictions or delaying procedures are waived and may be disregarded by the local governing body as to:

(1) the purchase, lease, or rental of materials and equipment;

(2) the securing and hiring of personal services;

(3) the face value of notes, bonds, or other certificates of indebtedness that may be issued and outstanding; or

(4) the rate of taxation that may be imposed.

§14–406.

(a) Each law, ordinance, resolution, or regulation of the State, a political subdivision of the State, or a unit of State or local government that relates to or concerns an actual or threatened emergency or military or warlike catastrophe may be applied during the effective period of an official proclamation by the Governor that declares all or part of the particular area to be in an actual or threatened emergency area.

(b) This section does not qualify or reduce the powers of emergency management agencies that are effective without the existence of an emergency or proclamation by the Governor.

§14–601.

WHEREAS, the Congress of the United States of America has enacted the procedure for granting its consent to emergency management and civil defense

compacts by an act entitled “Federal Civil Defense Act of 1950” (Public Law 920, 81st Congress, Second Session, approved January 12, 1951); and

WHEREAS, the State of Maryland contemplates entering into emergency management and civil defense compacts with other states, possessions and territories of the United States and with the District of Columbia, substantially in the form following:

§14–602.

The contracting states solemnly agree:

(1) ARTICLE 1. Purpose.

The purpose of this compact is to provide mutual aid among the states in meeting any emergency from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective states, including such resources as may be available from the United States government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among emergency management and civil defense agencies or similar bodies of the states that are parties hereto. The directors of emergency management and civil defense of all party states shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

(2) ARTICLE 2. Emergency management and civil defense plans and programs.

It shall be the duty of each party state to formulate emergency management and civil defense plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States government and the free exchange of information and plans, including inventories of any materials and equipment available for emergency management and civil defense. In carrying out such emergency management and civil defense plans and programs the party states shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different emergency management and civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of emergency management and civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for emergency management and civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party state;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

(3) ARTICLE 3. Resources; emergency management and civil defense forces.

Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the emergency management and civil defense forces of any other party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges and immunities as are extended to the emergency management and civil defense forces of such state. Emergency management and civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the emergency management and civil defense authorities of the state receiving assistance.

(4) ARTICLE 4. Licenses and permits.

Whenever any person holds a license, certificate or other permit issued by any state evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate or other permit as if issued in the state in which aid is rendered.

(5) ARTICLE 5. Liability.

No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

(6) ARTICLE 6. Supplementary agreements.

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

(7) ARTICLE 7. Compensation and death benefits.

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency management and civil defense forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

(8) ARTICLE 8. Reimbursement for loss, damage, expense, or cost.

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs as among those

states. The United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying emergency management and civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

(9) ARTICLE 9. Plans for evacuation of civil population.

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency shall be worked out from time to time between representatives of the party states and the various local emergency management and civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party state of which the evacuees are residents, or by the United States government under plans approved by it. After the termination of the emergency the party state of which the evacuees are residents shall assume the responsibility for the ultimate support or repatriation of such evacuees.

(10) ARTICLE 10. Availability of compact; "state" defined.

This compact shall be available to any state, possession or territory of the United States, and the District of Columbia. The term "state" may also include any neighboring foreign country or province or state thereof.

(11) ARTICLE 11. Role of Federal Emergency Management Agency.

The committee established pursuant to Article 1 of this compact may request the Federal Emergency Management Agency of the United States government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States government may attend meetings of such committee.

(12) ARTICLE 12. Compact operative on ratification.

This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by Congress unless prior congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States government.

(13) ARTICLE 13. Withdrawal from compact.

This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

(14) ARTICLE 14. Construction of compact; severability.

This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

(15) ARTICLE 15. Additional applicability.

(a) This article shall be in effect only as among those states which have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this article or in any supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a state pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

(1) Searches for and rescue of persons who are lost, marooned, or otherwise in danger;

(2) Action useful in coping with disasters arising from any cause or designed to increase capability to cope with any such disasters;

(3) Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger;

(4) The giving and receiving of aid by subdivisions of party states;

(5) Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with, or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or any supplementary agreement may be furnished by any agency of a party state, a subdivision of a party state, or by a joint agency of any two or more party states or of their subdivisions. Any joint agency providing aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a state. The personnel of a joint agency, when rendering aid pursuant to this compact, shall have the same rights, authority and immunity as personnel of party states.

(d) Nothing in this article shall be construed to exclude from the coverage of Articles 1-14 of this compact any matter which, in the absence of this article, could reasonably be construed to be covered thereby.

§14-603.

The Governor is hereby authorized and empowered to enter into and execute, on behalf of the State of Maryland, such emergency management and civil defense compacts with other states, possessions or territories of the United States or with the District of Columbia, substantially in the form hereinbefore set forth, provided that the Board of Public Works, with the concurrence of the Director of the Maryland Emergency Management Agency, may approve alterations of the terms, provisions and conditions of the aforesaid proposed emergency management and civil defense compact so long as said alterations are in substantial compliance with the terms, provisions and conditions hereinbefore set forth and when the Governor, in the exercise of the power as aforesaid, enters into and executes an emergency management and civil defense compact on behalf of the State of Maryland, said compact is hereby approved and ratified and every paragraph, clause, provision, matter and thing in the said compact contained shall be obligatory on this State and the citizens thereof, and shall be forever faithfully and inviolably observed, and kept

by the government of this State and all of its citizens according to the true intent and meaning of the said compact.

§14-604.

The Secretary of State is authorized and directed to prepare and transmit duly authenticated copies of such compacts and of this act to the governor of each state entering into such compact, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Federal Emergency Management Agency Director, the Secretary of State of the United States, and the Council of State Governments.

§14-605.

If any clause, sentence, paragraph, or section of this subtitle shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional and invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or section thereof so found unconstitutional and invalid.

§14-701.

The Emergency Management Assistance Compact is entered into with all other jurisdictions which adopt the Compact in a form substantially as the Compact appears in § 14-702 of this subtitle.

§14-702.

(1) Article I. Purpose and Authorities.

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this compact, the term “states” is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the Governor of the affected state(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel

simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

(2) Article II. General Implementation.

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the Governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

(3) Article III. Party State Responsibilities.

(a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resources shortages, civil disorders, insurgency, or enemy attack.

(2) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

(4) Assist in warning communities adjacent to or crossing the state boundaries.

(5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.

(6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

(b) The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this compact shall apply only to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States

Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

(4) Article IV. Limitations.

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state(s), whichever is longer.

(5) Article V. Licenses and Permits.

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the Governor of the requesting state may prescribe by executive order or otherwise.

(6) Article VI. Liability.

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

(7) Article VII. Supplementary Agreements.

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

(8) Article VIII. Compensation.

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

(9) Article IX. Reimbursement.

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this article.

(10) Article X. Evacuation.

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the

registration of evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

(11) Article XI. Implementation.

(a) This compact shall become effective immediately upon its enactment into law by any two states. Thereafter, this compact shall become effective as to any other state upon its enactment by such state.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 30 days after the Governor of the withdrawing state has given notice in writing of such withdrawal to the Governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

(c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

(12) Article XII. Validity.

This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

(13) Article XIII. Additional Provisions.

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into federal service the militia, or for

any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under Section 1385 of Title 18 of the United States Code.

§14–801.

(a) In this subtitle the following words have the meanings indicated.

(b) “Authorized representative” means an employee of a local jurisdiction authorized by the senior elected official of that jurisdiction to request, offer, or provide assistance under the terms of the compact.

(c) “Compact” means the Maryland Emergency Management Assistance Compact.

(d) (1) “Emergency responder” means an individual who is sent or directed by a party jurisdiction in response to a request for assistance by another party jurisdiction.

(2) “Emergency responder” includes a:

(i) career or volunteer firefighter within this State;

(ii) career or volunteer emergency medical services provider, as defined in § 13–516 of the Education Article, within this State;

(iii) career or volunteer rescue squad member within this State;

(iv) county employee who is performing an emergency support function described in § 14–803(2)(b)(5)(ii) of this subtitle; and

(v) law enforcement officer as defined in § 3–101 of this article.

(e) “Jurisdictions” means the 23 counties within Maryland, Baltimore City, the City of Annapolis, and Ocean City.

(f) “Senior elected official” means:

(1) the mayor;

(2) the county executive; or

(3) for a county that does not have a county executive, the president of the board of county commissioners or county council or other chief executive officer of the county.

§14–802.

The Maryland Emergency Management Assistance Compact is entered into with all other jurisdictions that adopt the Compact in a form substantially similar to the Compact set forth in this subtitle.

§14–803.

(1) Article 1. Purpose.

(a) (1) The purpose of this Compact is to provide for mutual assistance between the jurisdictions entering into this Compact in managing an emergency.

(2) This Compact also shall provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment or personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions during emergencies.

(2) Article 2. Requests for Assistance.

(b) (1) The senior elected official of each jurisdiction shall designate an authorized representative. The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction.

(2) The provisions of this Compact shall apply only to requests for assistance made by and to authorized representatives.

(3) Requests may be verbal or in writing.

(4) If verbal, the request shall be confirmed in writing at the earliest possible date, but no later than 10 calendar days following the verbal request.

(5) Written requests shall provide the following information:

(i) A description of the emergency support function for which assistance is needed;

(ii) The emergency support function shall include, but not be limited to, fire services, law enforcement, emergency medical services, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

(iii) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed; and

(iv) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(6) There shall be frequent consultations between the Maryland Emergency Management Agency and appropriate representatives of the party jurisdictions with free exchange of information and plans generally relating to emergency capabilities.

(7) A senior elected official or an authorized representative will advise the Maryland Emergency Management Agency of verbal requests and provide copies of written requests.

(3) Article 3. Limitations.

(c) (1) Any jurisdiction which is a party to this Compact and which receives a request for assistance shall take such actions as are necessary to provide requested resources.

(2) Any jurisdiction may withhold resources to the extent necessary to provide reasonable protection to its own jurisdiction.

(3) Each party jurisdiction shall afford to the emergency responders of any party jurisdiction operating within the requesting jurisdiction under the terms and conditions of this Compact, the same powers, duties, rights, and privileges as are afforded those of the jurisdiction in which they are performing emergency services.

(4) Emergency responders will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the requesting jurisdiction.

(5) Emergency responders shall have the same powers, duties, rights, and privileges as personnel of the requesting jurisdiction correspondent to performing the same function.

(6) (i) The provisions of this article shall only take effect:

1. Subsequent to a local declaration of a state of emergency by the requesting jurisdiction; or

2. Upon commencement of exercises, testing, or training for mutual aid.

(ii) The provisions of this article shall continue as long as:

1. The exercises, testing, or training for the mutual aid are in progress;

2. The state of emergency or the disaster remains in effect; or

3. Loaned resources remain in the requesting jurisdiction.

(4) Article 4. Liability.

(d) (1) Officers or emergency responders of a party jurisdiction rendering aid in another jurisdiction pursuant to this Compact shall be considered agents of the requesting jurisdiction for tort liability and immunity purposes.

(2) No party jurisdiction or its officers or emergency responders rendering aid in another jurisdiction pursuant to this Compact shall be liable on account of any act or omission in good faith on the part of responding personnel while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

(3) Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

(5) Article 5. Supplementary Agreements.

(e) (1) Nothing in this Compact shall:

(i) Preclude any jurisdiction from entering into supplementary agreements with another jurisdiction; or

(ii) Affect any other agreements between jurisdictions.

(2) Supplementary agreements may include, but are not limited to:

(i) Provisions for evacuation and reception of injured and other persons; and

(ii) The exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies.

(6) Article 6. Reimbursement.

(f) (1) Each party jurisdiction shall provide for the payment of workers' compensation and death benefits to injured members of the emergency responders of its own jurisdiction.

(2) The requesting jurisdiction will reimburse the responding jurisdiction for all reasonable and necessary expenses incurred by the responding jurisdiction provided that any responding jurisdiction may:

(i) Assume in whole or in part such loss, damage, expense, or other cost;

(ii) Loan equipment or donate services to the requesting jurisdiction without charge or cost; and

(iii) Agree to any allocation of expenses between the responding and requesting jurisdiction.

(3) Any two or more jurisdictions may enter into supplemental agreements establishing a different allocation of costs among those jurisdictions.

(4) Records of expenses incurred in sufficient detail to satisfy auditing requirements shall be submitted by the responding jurisdiction as soon as possible following the termination of the assistance provided.

(7) Article 7. Implementation.

(g) (1) Party jurisdictions are encouraged to consult frequently with each other and with the Maryland Emergency Management Agency and to exchange information and plans relating to emergency management.

(2) This Compact shall become effective immediately upon its enactment into law by local jurisdictions.

(3) Any party jurisdiction may withdraw from this Compact by enacting a repeal of the same but no such withdrawal shall take effect until 30 days after the senior elected official of the withdrawing jurisdiction has given notice in writing of such withdrawal to the senior elected officials of all party jurisdictions.

(4) Withdrawal from the Compact shall not relieve the withdrawing jurisdiction from obligations assumed under Article 4 or Article 6 of this Compact prior to the effective date of withdrawal.

(5) Authenticated copies of this Compact and of such supplementary agreements as may be entered into shall at the time of their approval be retained by each party jurisdiction and with the Maryland Emergency Management Agency.

(8) Article 8. Validity.

(h) (1) This Compact shall be construed to effectuate the purposes stated in Article 1 hereof.

(2) If any part or provision of this Compact or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Compact which can be given effect without the invalid provision or application, and for this purpose the provisions of this Compact are declared severable.

§14-8A-01.

(a) In this subtitle the following words have the meanings indicated.

(b) “Governing body” means:

(1) the county executive and county council of a charter county with a county executive;

(2) the county council of a charter county with no county executive;

(3) the board of county commissioners of a county; or

(4) the mayor and council, by whatever name known, of a municipal corporation.

(c) “National Capital Region” means the area defined under § 2674(f)(2) of Title 10 of the United States Code, including those counties with a border abutting that area and any municipal corporations in those counties.

§14–8A–02.

The state, the governing body of a county or municipal corporation, or any other governmental agency within the National Capital Region may enter into a reciprocal agreement for the period that it considers advisable with a federal agency, the Commonwealth of Virginia, the District of Columbia, or a county or municipal corporation, within or outside the state, and establish, train, and implement plans to request or provide mutual aid through the use of its officers, employees, and agents, together with all necessary equipment, in accordance with § 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004 (108 P.L. 458, 118 Stat. 3638).

§14–8A–03.

Any provision or part of a state, local, or municipal corporation statute, law, or ordinance that requires a mutual aid agreement to contain additional terms or conditions is inapplicable to an agreement authorized by and entered into under this subtitle.

§14–901.

This subtitle does not apply to:

(1) students;

(2) individuals who are preparing themselves to engage in trade or industrial pursuits;

(3) individuals who are temporarily unemployed because of differences with their employers; and

(4) individuals who are engaged or employed in a seasonal business, trade, or occupation in Baltimore City or Allegany County.

§14–902.

To carry out this subtitle, the Governor may appoint or employ assistants and use any available and appropriate agencies.

§14-903.

(a) (1) The Governor by proclamation may require that each able-bodied individual in the State between 18 and 50 years old, inclusive, who is not regularly or continuously employed or engaged in a lawful and useful business, occupation, trade, or profession immediately register for work under this subtitle.

(2) The Governor may require registration for work under paragraph (1) of this subsection if the Governor determines that because of a state of war:

(i) it is necessary for the protection and welfare of the people of the State that those individuals work in agricultural, industrial, or other occupations carried on by the State, a county, or a private employer;

(ii) the occupations specified in item (i) of this paragraph are essential for the protection and welfare of the people of the State and the United States; and

(iii) the occupations specified in item (i) of this paragraph cannot be carried on as required for the protection and welfare of the people of this State and the United States without resort to this subtitle.

(b) Individuals who are self-supporting because of income or ownership of property and individuals who are supported by others shall be required to register under this subtitle.

(c) (1) Each individual required to register under this section shall register with the clerk of the circuit court of the county in which the individual resides.

(2) The individual shall provide to the clerk the individual's name, address, age, and any other information that the Governor requires.

(d) On request of the Governor, the clerk of the circuit court shall provide the Governor with the information obtained under subsection (c)(2) of this section.

§14-904.

(a) The Governor shall assign or cause to be assigned and, if necessary, reassign or cause to be reassigned, for a period not exceeding 6 continuous months for each individual at one time, individuals who have registered under § 14-903 of

this subtitle to the occupations described in § 14-903(a) of this subtitle if the employers accept the services of these individuals.

(b) Each individual assigned to work under subsection (a) of this section shall be physically able to perform the work to which the individual is assigned.

(c) (1) In determining the duration and nature of the work to which an individual is assigned, the Governor shall consider the age, physical condition, and any other appropriate circumstances of the individual.

(2) An individual may not be required to work under this subtitle a greater number of hours per day than lawfully constitutes a day's work in the occupation to which the individual is assigned.

§14-905.

As soon as the Governor issues a proclamation under § 14-903 of this subtitle, the Governor shall prepare and publish rules and regulations to govern the assignment of individuals to work under this subtitle that:

(1) ensure that all individuals similarly situated shall be treated alike to the extent possible; and

(2) make allowances for the age, physical condition, and other appropriate circumstances of individuals assigned to work under this subtitle.

§14-906.

(a) Each individual required to work under this subtitle is entitled to compensation not less than the compensation paid to others for the same work.

(b) If an individual is assigned to work for a unit of the State, the compensation of the individual shall be paid by the unit out of the appropriation made to it by the State.

(c) If an individual is assigned to work for a county, the compensation of the individual shall be paid by the county.

(d) (1) If an individual is assigned to work for a private employer, the compensation of the individual shall be paid by the private employer.

(2) Each private employer shall execute a bond to the State in the penalty and with the surety that the Governor approves, conditioned to guarantee

the payment of compensation due to individuals assigned to work for the private employer.

(3) (i) If a private employer fails to pay the compensation due to an individual under this subsection, the compensation shall be paid by the State.

(ii) If money is appropriated for the purpose specified in subparagraph (i) of this paragraph:

1. payment shall be made on the order of the executive committee of the Maryland Council of Defense with the approval of the Governor;

2. the order shall be directed to the Comptroller; and

3. the Comptroller shall draw a warrant on the Treasurer for the amount of payment as provided by law.

(4) If the State compensates an individual under this subsection, the employer's bond shall be in default and shall be put into suit by the State.

§14-907.

(a) An individual may not fail to register under this subtitle.

(b) An individual who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

(c) After the Governor issues a proclamation under this subtitle, the county sheriffs, the police department of Baltimore City, and any other officer of the State, a county, or municipal corporation charged with enforcing the law shall:

(1) seek diligently the names and addresses of able-bodied individuals within their respective jurisdictions who are between 18 and 50 years old, inclusive, and not regularly or continuously employed or engaged in a lawful and useful occupation and who have failed to register under this subtitle; and

(2) obtain criminal summonses or warrants from a District Court commissioner for the arrest of individuals described in item (1) of this subsection.

(d) The District Court shall send the name of each individual convicted of failing to register and the information specified in subsection (c)(1) of this section to the clerk of the circuit court of the county in which the individual resides.

(e) The circuit court clerks shall register each individual convicted of failing to register under this subtitle and report the registration to the Governor in accordance with § 14-903 of this subtitle.

(f) The Governor shall assign each individual registered under subsection (e) of this section to work as provided in § 14-904 of this subtitle.

§14-908.

(a) An individual may not fail to do the work assigned to the individual unless the individual becomes regularly or continuously employed in a business, occupation, profession, or trade.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

§14-1001.

(a) In this section, “structure” means:

- (1) a church, chapel, or convent;
- (2) a dwelling;
- (3) a building used or designed as a place to transact business or store property;
- (4) a barn, stable, or other outbuilding; or
- (5) a ship, shipyard, or lumberyard.

(b) Subject to § 14-1002 of this subtitle, if a structure or personal property is stolen, damaged, or destroyed in a riot, the injured party may recover actual damages sustained in a civil action against the county or municipal corporation of the State in which the riot occurred.

§14-1002.

(a) A county or municipal corporation is not liable under § 14-1001 of this subtitle for theft, damage, or destruction that occurs in a riot unless the authorities of the county or municipal corporation:

(1) had good reason to believe that the riot was about to take place or, having taken place, had notice of the riot in time to prevent the theft, damage, or destruction; and

(2) had the ability, either by use of the county's or municipal corporation's police or with the aid of the residents of the county or municipal corporation, to prevent the theft, damage, or destruction.

(b) A person may not recover damages from a county or municipal corporation under § 14-1001 of this subtitle if it is satisfactorily proved that the authorities of the county or municipal corporation, and the residents of the county or municipal corporation when called on by the authorities, used reasonable diligence and all the powers entrusted to them to prevent or suppress the riot.

§14-1003.

An action for damages under § 14-1001 of this subtitle shall be filed within 3 years after the date it accrues.

§14-1004.

The form of any pleading in an action under § 14-1001 of this subtitle shall be governed by the Maryland Rules.

§15-101.

(a) In this title the following words have the meanings indicated.

(b) "Commission" means the Public Service Commission.

(c) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.

(d) (1) "Gas pipeline" means an intrastate transmission line or any portion of an interstate transmission line located within the State that:

(i) transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center;

(ii) operates at a hoop stress of 20% or more of the specified minimum yield strength of the pipeline; or

(iii) transports gas within a storage field.