Resolve, to Increase Transparency and Evaluate Emergency Response Through a COVID-19 Review Commission

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

Whereas, this resolve establishes the COVID-19 Review Commission to review and collect information regarding the executive orders related to the declared COVID-19 emergency; review contracts entered into related to executing the Governor's emergency proclamation and related executive orders and the data related to COVID-19 collected by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, including suicide attempts and deaths and drug-related hospitalizations and deaths; study the Maine Center for Disease Control and Prevention's response, including testing and use of contact tracing; and study the policies and rules connected to COVID-19 implemented by various state departments; and

Whereas, the review must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for consideration during the next legislative session; and

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

Sec. 1. Commission established. Resolved: That the COVID-19 Review Commission, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of the Commissioner of Health and Human Services or the commissioner's designee and 13 other members appointed as follows:

1. Four members of the Senate appointed by the President of the Senate, including 2 members from each of the 2 parties holding the largest number of seats in the Legislature;

2. Eight members of the House of Representatives appointed by the Speaker of the House, including 4 members from each of the 2 parties holding the largest number of seats in the Legislature; and

3. One member of the House of Representatives appointed by the Speaker of the House who is not a member of the 2 parties holding the largest number of seats in the Legislature.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission shall:
1. Study the State’s response to coronavirus disease 2019, referred to in this resolve as COVID-19, and state laws, rules and policies governing that response in the State, including but not limited to executive orders related to the declared COVID-19 emergency;

2. Review contracts entered into related to executing the Governor’s emergency proclamation and related executive orders;

3. Review the data related to COVID-19 collected by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, including suicide attempts and deaths and drug-related hospitalizations and deaths;

4. Study the Maine Center for Disease Control and Prevention's response, including testing and use of contact tracing;

5. Study the policies and rules connected to COVID-19 implemented by the Department of Health and Human Services, the Department of Education, the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and the Department of Economic and Community Development;

6. Review federal, state and local intergovernmental coordination;

7. Review distribution of vaccines, including the use of public and private methods for distribution;

8. Review the availability of medical equipment and supplies, including personal protective equipment;

9. Review interagency communication and information sharing, including review of accountability and preparedness regarding executive emergency proclamation powers;

10. Review responses of hospitals, nursing homes and other congregate settings;

11. Review economic relief policies;

12. Review overall health and economic effects on communities, including racial and ethnic minority populations, of COVID-19 infections and deaths and the response of the State to mitigate those effects;

13. Review state, county and municipal government preparedness and response to executive orders related to the declared COVID-19 emergency; and

14. Study any other matters related to the COVID-19 response as required by the commission.

Sec. 6. Staff assistance. Resolved: That, notwithstanding Joint Rule 353, the Legislative Council shall provide necessary staffing services to the commission.

Sec. 7. Report. Resolved: That, no later than December 6, 2023, the commission shall submit a report based on its review that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out legislation to the Second Regular Session of the 131st Legislature based on the report.

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

This resolve establishes the COVID-19 Review Commission to review and study the State's response to COVID-19 and state laws, rules and policies governing that response in the State, including the executive orders related to the declared COVID-19 emergency; contracts entered into related to executing the Governor's emergency proclamation and related executive orders and the data related to COVID-19 collected by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, including suicide attempts and deaths and drug-related hospitalizations and deaths; the Maine Center for Disease Control and Prevention's response, including testing and use of contact tracing; and the policies and rules connected to COVID-19 implemented by the Department of Health and Human Services; the Department of Education; the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency; and the Department of Economic and Community Development. The commission is required to submit a report based on its review that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services no later than December 6, 2023.