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House of Representatives, January 21, 2021

An Act To Amend the Governor's Emergency Powers

Received by the Clerk of the House on January 19, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILLINGHAM of Oxford.
Cosponsored by Representatives: AUSTIN of Gray, BERNARD of Caribou, COLLAMORE of Pittsfield, KINNEY of Knox, KRYZAK of Acton, MORRIS of Turner, POIRIER of Skowhegan, TUELL of East Machias.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 37-B MRSA §742, sub-§1, ¶C**, as amended by PL 2019, c. 617, Pt. H, §1,
3 is further amended by amending subparagraph (6) to read:

4 (6) Direct and compel the evacuation of all or part of the population from any
5 stricken or threatened area within the State, if the Governor determines this action
6 necessary for the preservation of life or other disaster mitigation, response or
7 recovery. An action taken under this subparagraph must be applied to the smallest
8 political subdivision possible. Statewide application of this subparagraph must be
9 approved by a majority of the membership of the Legislative Council;

10 **Sec. 2. 37-B MRSA §742, sub-§1, ¶C**, as amended by PL 2019, c. 617, Pt. H, §1,
11 is further amended by amending subparagraph (8) to read:

12 (8) Control ingress and egress to and from a disaster area, the movement of persons
13 within the area and the occupancy of premises therein. Occupancy limitations that
14 would have a substantial impact on the operation of businesses in the State must
15 be approved by a majority of the membership of the Legislative Council;

16 **Sec. 3. 37-B MRSA §742, sub-§1, ¶C**, as amended by PL 2019, c. 617, Pt. H, §1,
17 is further amended by amending subparagraph (9) to read:

18 (9) Suspend or limit the sale, dispensing or transportation of ~~alcoholic beverages,~~
19 explosives and combustibles;

20 **Sec. 4. 37-B MRSA §742, sub-§1, ¶C**, as amended by PL 2019, c. 617, Pt. H, §1,
21 is further amended by amending subparagraph (12) to read:

22 (12) Take whatever action is necessary to abate, clean up or mitigate whatever
23 danger may exist within the affected area. Any action under this subparagraph that
24 would directly result in the temporary or permanent closure of any business or civic
25 or religious organization must be approved by 2/3 of the membership of the
26 Legislative Council; and

27 **Sec. 5. 37-B MRSA §742, sub-§1, ¶E** is enacted to read:

28 E. In dealing with a declared state of emergency under this subsection, the following
29 powers may not be invoked:

30 (1) The eminent domain powers granted in section 821; and

31 (2) The enforcement powers granted in section 786, unless the Governor
32 specifically invokes those powers by an order issued pursuant to a civil emergency
33 proclamation and approved by 2/3 of the membership of the Legislative Council.
34 That order must specify those emergency orders or rules that are enforceable
35 pursuant to this subparagraph and must further specify the enforcement activities
36 emergency management organizations are to pursue. An enforcement action may
37 not be taken pursuant to this subparagraph without publication of the order
38 authorizing the action in a manner reasonably calculated to give affected persons
39 adequate notice of the order or rule to be enforced and the sanctions to be applied.
40 Publication of the order may include publication on the Internet.

