



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1039

S.P. 329

In Senate, March 10, 2021

An Act To Safeguard the People's Voice in a State of Emergency

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.

Cosponsored by Senators: BENNETT of Oxford, FARRIN of Somerset, GUERIN of Penobscot, Representatives: FECTEAU of Augusta, LIBBY of Auburn, LYMAN of Livermore Falls, RUDNICKI of Fairfield, SKOLFIELD of Weld.

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

2 **Sec. 1. 37-B MRSA §742, sub-§4** is enacted to read:

3 **4. Legislative processes.** During a state of emergency under this chapter, the
4 Legislature may vote on a proclamation or executive order made under the state of
5 emergency remotely by electronic or other means as established by the rules of each House
6 of the Legislature, as specified by the presiding officer of each House.

7 **Sec. 2. 37-B MRSA §743, sub-§2**, as enacted by PL 1983, c. 594, §34, is amended
8 to read:

9 **2. Limitation.** ~~No~~ A state of emergency may not continue for longer than 30 days
10 unless renewed by the ~~Governor~~ Legislature by majority vote of each House upon request
11 by the Governor for up to 30 additional days. The renewal process may be repeated
12 indefinitely in up to 30-day increments. If the Legislature is not in session at the time the
13 request is issued by the Governor, the Governor shall provide at least 3 days' notice to the
14 leader of the party with the most members and the leader of the party with the 2nd-most
15 members in each House of the Legislature to immediately convene the Legislature to
16 consider the Governor's request. If the state of emergency is terminated for any reason, the
17 Governor may not declare another state of emergency for the same emergency or set of
18 circumstances underlying the initial state of emergency. The Legislature, by joint
19 resolution, may terminate a state of emergency at ~~anytime~~ any time. Thereupon, the
20 Governor shall issue an executive proclamation ending the state of emergency. The
21 Legislature may terminate any specific emergency order of the Governor with respect to a
22 state of emergency by a 2/3 vote of each House. This subsection does not apply to the
23 Governor's powers under chapter 3.

24 SUMMARY

25 This bill amends the provisions of law regarding the termination of a state of
26 emergency by removing the Governor's authority to renew a state of emergency after 30
27 days and instead providing that the renewal of a state of emergency must be approved by a
28 majority vote of each House of the Legislature upon request by the Governor. The state of
29 emergency may be renewed for up to 30 days at a time, and the renewal process may be
30 repeated indefinitely. If the Legislature is out of session at the time the request is issued
31 by the Governor, the Governor must give at least 3 days' notice to the Legislature for the
32 Legislature to convene to consider the request. If the state of emergency is terminated for
33 any reason, the Governor may not declare another state of emergency for the same
34 emergency or set of circumstances underlying the first state of emergency. The Governor's
35 powers as Commander in Chief of the military forces of the State are not affected by this
36 bill. The bill authorizes the Legislature to terminate any specific emergency order by the
37 Governor by a 2/3 vote in each House of the Legislature. This bill also allows the
38 Legislature during a state of emergency to vote on a proclamation or executive order made
39 during that emergency remotely by electronic or other means.