



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1039

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S.P. 329

In Senate, March 10, 2021

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

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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.