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Date: (Filing No. H- )

**STATE AND LOCAL GOVERNMENT**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 726, L.D. 980, “An Act To Establish Balance in the Governor's Emergency Powers”

Amend the bill in section 1 in paragraph C in the first line (page 1, line 4 in L.D.) by striking out the following: "7" and inserting the following: '30'

Amend the bill by striking out all of sections 2 to 5 and inserting the following:

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

F. The Governor, during the pendency of a state of emergency, may not reissue or renew an emergency proclamation, issue another emergency proclamation that is substantially similar to one that expired or reissue an emergency proclamation that the Legislature has terminated pursuant to paragraph G without approval of the Legislature pursuant to paragraph G, except that the Governor, based on significant changes in circumstances, may reimpose such an emergency proclamation for a single period of 3 days if the Governor calls upon the Legislature to reconsider the order and changed circumstances.

**Sec. 3. 37-B MRSA §742, sub-§1, ¶G** is enacted to read:

G. After 30 days have elapsed from the issuance of an emergency proclamation by the Governor, all emergency powers revert to the Legislature. Emergency proclamations may be extended or discontinued by the Legislature pursuant to this paragraph.

(1) The Legislature may extend an emergency proclamation issued pursuant to this subsection up to a maximum of 30 days by a 2/3 majority vote in each House of the Legislature. Additional 30-day extensions of the emergency proclamation may be approved, but only if done in compliance with this subparagraph.

(2) The Legislature may terminate an emergency proclamation issued pursuant to this subsection, in whole or in part, by a majority vote of each House.

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

**COMMITTEE AMENDMENT**

1 **1-A. Limitation on emergency powers.** The exercise of any emergency power the  
2 Governor may have under the Constitution of Maine or the laws of this State that binds or  
3 regulates the public is limited as provided in this subsection.

4 A. As used in this subsection, "emergency order" means an order, decree, regulation  
5 or other mandate proclaimed or promulgated by the Governor under the authority to  
6 declare a state of emergency under the Constitution of Maine or laws of the State.

7 B. Notwithstanding subsection 1, paragraph D or any other law to the contrary, an  
8 emergency order that is issued by the Governor that binds, curtails or infringes the  
9 rights of private parties must be narrowly tailored to serve a compelling health or safety  
10 purpose. Each emergency order must be limited in duration, applicability and scope in  
11 order to reduce any infringement of individual liberty.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
13 number to read consecutively.

#### 14 SUMMARY

15 This amendment, which is the minority report of the committee, sets the term of an  
16 initial emergency order issued by the Governor to 30 days. It requires a majority vote of  
17 each House of the Legislature to terminate an emergency order issued by the Governor. It  
18 removes the language permitting debate and voting of the Legislature to be conducted by  
19 electronic or other means. It removes the provision establishing the penalty of  
20 impeachment against the Governor for exceeding the Governor's authority to exercise  
21 emergency powers. It removes language applying certain provisions of this bill to the acts  
22 of state and local officials and it removes an unnecessary recitation of state courts'  
23 jurisdiction over emergency orders.

#### 24 FISCAL NOTE REQUIRED

25 (See attached)