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Date: (Filing No. S- )

**STATE AND LOCAL GOVERNMENT**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 307, L.D. 955, “An Act To Narrowly Tailor Emergency Powers of the Governor and Other Public Officials”

Amend the bill by striking out the title and substituting the following:

**'An Act To Narrowly Tailor Emergency Powers of the Governor'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

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

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Constitutional right" means any right guaranteed under the United States Constitution or the Constitution of Maine, including, but not limited to, the right to:

- (a) Travel, work, assemble and speak;
- (b) Exercise religion without government interference;
- (c) Make contracts and hold property without government interference;
- (d) Be free from unreasonable searches and seizures; and
- (e) Purchase and keep firearms and ammunition.

(2) "Emergency order" means an order, decree, regulation or other mandate proclaimed or promulgated by the Governor under the authority to declare a state of emergency under the Constitution of Maine or laws of the State.

B. Notwithstanding any law to the contrary, an emergency order that is issued by the Governor that binds, curtails or infringes the rights of private parties must be narrowly

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1 tailored to serve a compelling health or safety purpose. Only the Governor may issue  
2 an order that infringes constitutional rights, and that order must be narrowly tailored to  
3 serve a compelling health or safety purpose. Each emergency order must be limited in  
4 duration, applicability and scope in order to reduce any infringement of the rights of  
5 private parties or constitutional rights.'

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

8 **SUMMARY**

9 This amendment, which is the minority report of the committee, removes language  
10 considered unnecessary recitation of the jurisdiction of Maine's courts and certain common  
11 law principles applicable to emergency orders. It removes reference to state and local  
12 officials.