



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

April 14, 2025

Honorable Joseph Baldacci, Chair
Honorable Suzanne Salisbury, Chair
Joint Standing Committee on State and Local Government
State House, Room 214
Augusta, Maine 04333

**Re: LD 1524 *An Act to Enhance Legislative Participation in the Governor's Use of
Emergency Powers***

Dear Senator Baldacci, Representative Salisbury and members of the Joint Standing Committee on State and Local Government:

I am writing convey opposition of the Governor's Office to LD 1524. We believe this bill would seriously undermine the authority of this and future Governors to protect the public health, safety, and welfare during civil emergencies. We further believe such legislation is unnecessary to ensure the Legislature retains adequate authority to influence a Governor's emergency response as it sees fit.

The Governor's emergency powers are primarily set forth at 37-B M.R.S. § 741 *et seq.* These statutes, first enacted in 1983, are designed to allow the nimble and efficient decision-making that is critical to an effective emergency response. They provide the Governor and officials acting under her direction authority to react rapidly to changing and unpredictable conditions as they unfold. LD 1524 would make that authority more cumbersome and less effective, while also inviting new litigation challenging elements of an emergency response. These changes are contrary to the public interest.

Legislatures are effective policy making bodies, but are not well suited to make numerous, fact-specific, emergency management decisions in quick succession in response to continually emerging circumstances. That responsibility must necessarily fall to the Executive. The context for the bill now before you is a recent pandemic, but the next occasion for a Governor to declare a state of emergency may well be dramatically different – a terrorist attack, extreme natural or man-made disaster, or some other now unimaginable scenario. It would be a profound mistake for this Legislature to constrain future Governors from exercising the



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necessary authority to safeguard Maine people when the State is next confronted with the need for an effective emergency response.

This is especially true given that the current statute retains for the Legislature the ultimate tool for protecting against executive overreach. The Legislature may terminate any emergency declaration "at any time" by a simple majority vote of each body. 37-B M.R.S. § 743(2). If there were broad concern within the Legislature that a Governor were abusing emergency powers, a termination resolution is the appropriate response. If instead individual legislators wish to question specific actions of a Governor during a state of emergency, they can and should address their concerns to the Governor at that time. Governor Mills welcomed such feedback during the COVID-19 state of emergency, and made innumerable adjustments to her emergency response after receiving such input. Given that the Legislature already possesses the authority to terminate a declared state of emergency at any time, it would be misguided to enact legislation re-wiring the Governor's emergency management authority in a manner that undermines executive discretion to respond appropriately in the future.

We ask you to reject this bill, which would make unnecessary and imprudent changes to a critically important statutory framework. Thank you for your consideration.

Sincerely,



Gerald D. Reid
Chief Counsel
Governor Janet T. Mills



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TTY USERS CALL 711
www.maine.gov

FAX: (207) 287-1034

PHONE: (207) 287-3531 (VOICE)