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THE MAINE SENATE  
131st Legislature

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**Joint Standing Committee on State and Local Government**  
**LD 551, An Act to Restore Balanced Emergency Powers**  
**March 10, 2025**

Good afternoon, Senator Baldacci, Representative Salisbury and honorable members of the Joint Standing Committee on State and Local Government. I am Senator Matt Harrington and I proudly represent the District 33 communities of Alfred, Lebanon, Sanford and Waterboro. I am here to present LD 551, "An Act to Restore Balanced Emergency Powers."

We can all remember the uncertain times of the COVID-19 pandemic. From fear of the virus itself to the economic toll it was taking on Maine's families and businesses, the onset of the pandemic was uncharted territory for both Maine's government and its people.

Yet the representatives of the people – we, the Members of the Maine Legislature – were shut out of the decision-making process for much of the pandemic. Part of it was by design, as the Chief Executive is granted certain emergency powers by the Legislature to conduct a wide range of activities during a state of emergency. However, after leaving the station, what we soon saw was a runaway train that had little oversight by or recourse for its people.

Before I go any further, let me preface this by saying this bill is NOT about who occupies the Blaine House during any particular emergency, now or in the future. We grant the Chief Executive enormous powers to protect us during such emergencies regardless of who it is; and it is a huge responsibility for any one person to undertake.

Nor does this bill have anything to do with any one occurrence, particular action, or aspect of the pandemic. True, many disagreed with the masking protocols, vaccine mandates and business closures. But many others did not. Those topics should be examined if we ever convene a COVID-19 commission, which I certainly hope we do in the future to see what worked and what didn't. Another bill from our colleague Sen. Stewart, LD 389, has been submitted to do just that.

Nor does my bill have any background in politics or partisanship. This is a nonpartisan constitutional issue for me, an issue rooted in how our government is structured and the constitutional checks and balances the Legislature has over the other two branches of government. That particular aspect is what we lost during the pandemic by not asserting ourselves at a time when the people of Maine were asking us – the 186 members of this body representing every corner of Maine – to do so.

In essence, we let a single person and that person's cabinet of unelected bureaucrats hold power over our entire branch of government and do so indefinitely. We were nullified. When we asked for information or to provide input, we were ignored – you could even say canceled.

I don't know about you but as a legislator, one elected by the people to be their voice, that infuriates me. That should never have happened; and we mustn't let it happen again.

There's no doubt the COVID-19 pandemic exposed flaws in the design and execution of emergency powers not just here but across the country. It also exposed flaws in our jurisprudence infrastructure to keep those powers in check.

In the past few years, all but two states in the nation introduced laws in response to how emergency powers were conducted during the pandemic; and more than 30 have made significant changes to that authority. In fact, Pennsylvania did it by both a bill and a ballot initiative. Others have done so through rule-making changes or the establishment of a state of emergency advisory group or oversight committee.

My bill before you doesn't go that far. Instead, it makes common sense changes to our current statutes by subjecting the extension of any state of emergency order to the Legislature's jurisdiction. It also solves the jurisprudence problem by giving Maine's Judicial Branch the authority to intervene if called upon to do so to enjoin or invalidate an emergency order.

Further, the bill forces the Chief Executive to tailor any state of emergency order as narrowly as possible to avoid sweeping closures and unchecked violations of the Maine people's constitutional rights. Finally, it prevents unelected bureaucrats from circumventing rulemaking authority by adopting rules without an emergency proclamation from the Chief Executive.

By far, these changes are modest in comparison to some that have been adopted by states across this country. Still, Maine is in a clear minority for our failure to update these laws. The proposed changes are common sense solutions needed to ensure the rights of Mainers are not violated and our branch of government – the Maine State Legislature – is never again relegated to the sidelines as an afterthought during any state of emergency.

Both of those outcomes should concern all of us in this body; and that's why I ask for your support of this measure.

Thank you.