

*132<sup>nd</sup> Legislature*  
***Senate of***  
***Maine***  
*Senate District 2*

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**LD 789, "RESOLUTION, Proposing an Amendment to the Constitution  
of Maine to Require Legislative Approval of Any State of Emergency  
Lasting Longer than 60 Days"**

**Joint Standing Committee on State and Local Government  
March 17, 2025**

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

I am Trey Stewart; and I represent Senate District 2, which includes several communities in Penobscot and Aroostook Counties. I am here today to present LD 789, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to require Legislative Approval of Any State of Emergency Lasting Longer than 60 Days."

This proposal is really quite simple, just as the title suggests, and also requiring legislative approval for each subsequent state of emergency proclaimed by a Chief Executive. The Maine Senate and House of Representatives comprise members who represent very diverse populations and are elected as such because they are closest to the people – their constituents. Their communities rely on them to look out for their best interests, health and safety. A Governor, on the other hand, has a team of unelected professionals who guide every move.

LD 789 is not meant to be a chokehold on a Governor. Rather, it is meant to create a checkpoint, so to speak, and an effort to work together in a time of crisis. In fact, over the last five years more than a dozen states have changed their statutes to provide more balance during an extended state of emergency that now involve legislative input. Unilateral control is not wise. Involving the legislative branch creates more of a public forum rather than critical decisions being made behind closed doors. Not only does this practice leave all Maine citizens in the dark about what's going on, elected officials are also unaware.

Many states had longstanding laws in place to address emergency powers and how to handle short-term disasters or crises. I dare say folks never had in mind a situation such as COVID-19 that would last months. The pandemic prompted several states and legislators, including ours, to review statutes to be better prepared and protect our citizenry.

The status or degree of a statewide emergency can change quickly and certainly can vary from one county to another. We witnessed this during COVID when, for example, the health of

Aroostook County differed greatly from that of Cumberland County. I believe it's these types of situations that mandate the input of legislators. I think we can all agree that governors must have the ability to quickly respond to emergencies; however, we cannot undermine the critical role legislatures must exercise in ensuring a chief executive's powers are not abused or inflamed.

I want to conclude my testimony by saying that this proposal has nothing to do with any past or current administration. It is brought forth to you as a matter of common sense.

In the 131<sup>st</sup> Legislature a similar bill gained bipartisan support but not enough for passage. I'm hoping your thoughtful consideration will prompt you to report out this bill Ought To Pass.

Thank you for your time.