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HHS has zero authority under Maine's Constitution to pass a single law or regulation because they are part of the executive branch. Only the legislature has authority to pass laws and regulations.

The next 2 sections are case citations that show the US Supreme Court has recognized the legislatures duty to care for the public health and the public safety when endangered by epidemics of disease.

I include 3 quotes from this case below. The link is here to verify. NEVER trust anyone about cases.

https://scholar.google.com/scholar_case?case=16169198038706839183&q=

- It seems to the court that an affirmative answer to these questions would practically strip the legislative department of its function to care for the public health and the public safety when endangered by epidemics of disease. *Jacobson v. Massachusetts*, 197 US 11 - Supreme Court 1905

- This court has more than once recognized it as a fundamental principle that "persons and property are subjected to all kinds of restraints and burdens, in order to secure the general comfort, health, and prosperity of the State; of the perfect right of the legislature to do which no question ever was, or upon acknowledged general principles ever can be made, so far as natural persons are concerned." *Railroad Co. v. Husen*, 95 U.S. 465, 471; *Missouri, Kansas & Texas Ry. Co. v. Haber*, 169 U.S. 613, 628, 629; *Thorpe v. Rutland & Burlington R.R.*, 27 Vermont, 140, 148. In *Crowley v. Christensen*, 137 U.S. 86, 89, we said: "The possession and enjoyment of all rights are subject to such reasonable conditions as may be deemed by the governing authority of the country essential to the safety, health, peace, good order and morals of the community. Even liberty 27*27 itself, the greatest of all rights, is not unrestricted license to act according to one's own will. It is only freedom from restraint under conditions essential to the equal enjoyment of the same right by others. It is then liberty regulated by law." In the constitution of Massachusetts adopted in 1780 it was laid down as a fundamental principle of the social compact that the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for "the common good," and that government is instituted "for the common good, for the protection, safety, prosperity and happiness of the people, and not for the profit, honor or private interests of any one man, family or class of men." The good and welfare of the Commonwealth, of which the legislature is primarily the judge, is the basis on which the police power rests in Massachusetts. *Commonwealth v. Alger*, 7 Cush. 53, 84. *Jacobson v. Massachusetts*, 197 US 11 - Supreme Court 1905

- It is no part of the function of a court or a jury to determine which one of two modes was likely to be the most effective for the protection of the public against disease. That was for the legislative department to determine in the light of all the information it had or could obtain. It could not properly abdicate its function to guard the public health and safety. The state legislature proceeded upon the theory which recognized vaccination as at least an effective if not the best known way in which to meet and suppress the evils of a smallpox epidemic that imperiled an entire population. *Jacobson v. Massachusetts*, 197 US 11 - Supreme Court 1905

Is there something in Maine's Constitution that allows the governor to pass laws or regulations in her executive orders? I can not find that kind of exception hereinafter stated. Can you?

Read Maine's Constitution yourself. <https://www.maine.gov/legis/const/>

- Me. Const. Art. IV Part Third § 1 Legislative Power.
- The Legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

What part of Maine's Constitution authorizes HHS to enact laws outside the legislative process by presenting orders as laws by legislating legal requirements, fines, or prison time?

- Me. Const. Art. III. Distribution of Powers.
- Section 1. Powers distributed. The powers of this government shall be divided into 3 distinct departments, the legislative, executive and judicial.
- Section 2. To be kept separate. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted,

The U.S. Supreme Court and Maine Supreme Judicial Courts have upheld separation of powers and all Constitutional requirements.

- The constitution is supreme. Washington v. WC Dawson & Co., 264 US 219 - Supreme Court 1924

- Under the Maine Constitution, however, our inquiry is narrower: has the power in issue been explicitly granted to one branch of state government, and to no other branch? If so, article III, section 2 forbids another branch to exercise that power. Separation of governmental powers mandated by this section is much more rigorous than same principle as applied to federal government. State v. Hunter, 447 A. 2d 797 - Me: Supreme Judicial Court 1982

As shown in the 2 cases above the Court has spoken. Since the executive branch including HHS has no authority to pass laws or regulations they are denied the ability to do so.

I can find no actual authority for an executive branch agency HHS to shut down a business, create laws, create regulations, declare punishment including imprisonment for disobeying their dictates, or to deny the rights enshrined within the Constitutions state and federal. Can you?

Businesses have the right not to be destroyed by an executive branch agency within Maine's Constitution.

It is readily apparent that HHS being part of the executive branch has zero authority to pass any regulations under separation of powers. This bill must NOT PASS!