

**TESTIMONY for the Maine Emergency Management Agency, Department of
Defense, Veterans and Emergency Management**

BEFORE THE JOINT STANDING COMMITTEE ON LABOR AND HOUSING

LD 182 – *“An Act To Expand the Definition of "Essential Worker" To Include Retail and Food Service Workers”*

Position – Against

March 29th, 2021

Senator Hickman, Representative Sylvester, and distinguished members of the Committee on Labor and Housing – my name is Joe Legee. I am the Deputy Director at the Maine Emergency Management Agency. I am here today to provide testimony in opposition to LD 182 “An Act To Expand the Definition of "Essential Worker" To Include Retail and Food Service Workers”. This amendment defines essential businesses and operations and essential worker to mean any employee employed in an essential business and operation at the time the governor declares a state of emergency.

Between a global pandemic, landslide, and shark attack, if events of 2020 have taught us anything, it’s of the need to be flexible. As [FEMA’s Comprehensive Preparedness Guidance](#) reads, “Plans are not scripts followed to the letter, but are flexible and adaptable to the actual situation”.

It is MEMA’s belief that defining “essential businesses and operations” and “essential worker” in law is too limiting and restricts the flexibility necessary to react to the unpredictability of emergency situations. Instead, “essential businesses and operations” and “essential worker” should be defined based on needs dictated by disaster response and based on the nature of the event.

For example, in response to COVID-19, the Department of Homeland Security, Cybersecurity and Infrastructure Security Agency (CISA), originally distributed Guidance on the Essential Critical Infrastructure Workforce on March 19, 2020. Since the original guidance was distributed, it has been revised four times to meet the evolving needs of the disaster. One disaster; four revisions to the definition of critical infrastructure workforce.

Finally, the term “essential” itself is problematic, as the definition varies depending upon the sector and/or situation. We’ve seen the term “essential”, “critical”, and “emergency” used interchangeably.

This concludes my testimony. I stand ready answer any question you have and to participate in any work sessions that follow this hearing. Thank you.