



HOUSE OF REPRESENTATIVES  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002  
(207) 287-1440

**Justin Fecteau**

7 Davis Street  
Augusta, ME 04330  
Cell Phone: (207) 248-7183  
[Justin.Fecteau@legislature.maine.gov](mailto:Justin.Fecteau@legislature.maine.gov)

March 29, 2021

**Testimonies in Support of the Follow Bills/Resolutions:**

Good morning Senator Baldacci, Representative Matlack, and my colleagues on the Joint Standing Committee on State and Local Government. I am Justin Fecteau and I proudly represent House District 86, which consists of the western and northern portions of Augusta.

I am here to testify in support of the following bills and resolutions. My guess is that we might have never seen these types of bills if teamwork and transparency were hallmark traits of this administration.

**LD 1237 (Sponsored by Sen. Keim):** An Act To Allow the Governor To Declare a Limited State of Emergency for Federal Aid Purposes

This is a great bill that would allow the Governor to receive aid from the federal government without needing or holding anti-democratic and unilateral powers that have caused much harm to the Maine People.

This would be a smart and relevant addition to state statute and one that I hope can earn multi-partisan support.

**LD 1142 (Sponsored by Rep. J. Fecteau):** An Act To Prohibit the Unequal Restriction of Essential Businesses during a State of Civil Emergency

This bill does two important things. Firstly, it states that any private business that employs a person in this State is an essential business. Secondly, it says any and all restrictions must be in the same manner.

As to the bill's first point, all people are essential, all work is essential, and providing for oneself and one's family is essential. While the products of all labor is, perhaps, not essential, the fruit of all labor

is essential. Maine families on the wrong end of the Governor's opinion were met with trying times none of us here can even imagine. All Maine businesses are essential to our success.

As to the second point of this bill, which is the uneven restriction of business, one must look no further than the point I just referenced or to the ridiculous re-opening checklists from the Department of Economic and Community Development. These insulting checklists created confusing, expensive, and uneven re-openings for our businesses. The worst part of it was the anonymous snitch line that followed where the casual passer-by could put a business in jeopardy for the assumption of breaking the rules. To nobody's surprise, many complaints were baseless, fraudulent, and/or ill-informed. Plain and simple, different businesses were being micro-managed differently by the DECD. Others, such as tattoo studios, were restricted from opening while their industry peers could attempt to save themselves.

Across-the-board health guidelines such as physical distancing, face-coverings and barriers, and limits could have been communicated to all businesses. That would have been a much more science-forward and even distribution of restrictions. All too often, these restrictions only emboldened our large, corporate multinationals with teams of lawyers and sprawling square footage. These large companies were allowed to get away with almost anything because they had and have the ability to fight back. All the while our small businesses, run by our neighbors, were being micromanaged into closing or dumping their life savings in order to stay afloat.

Don't even get me started when it came to the last minute re-opening delays by our Governor. But don't worry they were told they could sell all of that food to prisons at-cost (sarcasm)!

Our small businesses - many of them run by women, veterans, and minorities - were easily feasted upon by their own state government.

**LD 14 (Sponsored by Sen. Pouliot):** An Act To Require a Two-thirds Vote To Extend a State of Emergency

This bill is an effective way to give any governor powers for a limited period of time, yet require an emergency level of consent of the Legislature in order to continue emergency powers.

It has become clear that one person should not wield this much power. It is anti-democratic and perpendicular to our representative Republic. Two-thirds consent in order to continue emergency powers brings more people to the table in order to tackle Maine's most pressing and imminent issues.

**LD 131 (Sponsored by Rep. Dillingham):** An Act To Amend the Governor's Emergency Powers

This bill is a great starting point to ensure there are greater checks and balances between our branches of government. Even though I am a legislator, I believe that the legislative branch should be the loudest among the three branches, as it serves as a direct link and representation of the Maine People.

Sections 1, 2, and 4 of the proposed bill would allow for greater input from the Legislative Council. As a rank-and-file member, I would desire the full consent of the entire Legislature, but granting certain authority to the Legislative Council would increase the speed in which the legislative branch may be able to deal with imminent threats and issues concerning the liberty of all Maine People.

Omitting “alcoholic beverages” from Section 3 of this bill is, in my belief, good policy.

The final section, Section 7, provides important amendments to state statute to restore balance between the executive and legislative branches, particularly in lines 21-22, where it states that “a new state of emergency may not be declared for at least 30 days without approval by a majority vote of each House of the Legislature.” This would end back-and-forth power plays between the branches.

**LD 608 (Sponsored by Rep. Johansen):** An Act Regarding the Governor's Emergency Powers (EMERGENCY)

Section 1 of this bill is something I had not considered until reading it. This provision may very well provide better cooperation between state and local government.

Sections 2 and 3 are an effective way to give any governor powers for a limited period of time, yet require an emergency level of consent of the Legislature in order to continue emergency powers.

It has become clear that one person should not wield this much power. It is anti-democratic and perpendicular to our representative Republic. Two-thirds consent in order to continue emergency powers brings more people to the table in order to tackle Maine’s most pressing and imminent issues.

**LD 628 (Sponsored by Rep. Carmichael):** An Act To Protect Businesses and Civic and Religious Organizations from Actions Taken Pursuant to an Emergency Proclamation

This bill would be an improvement to current state statute. The pain and heartache that our families have suffered due to government action cannot be understated. The closure of a person’s ability to provide for themselves or worship their higher power should not be the sole discretion of one person. Ideally, it would not be in the purview of any government, but this is certainly a wildly more

desirable amendment to current law.

As a rank-and-file member, I would desire the full consent of the entire Legislature, but granting certain authority to the Legislative Council would increase the speed in which the legislative branch may be able to deal with imminent threats and issues concerning the liberty of all Maine People.

**LD 729 (Sponsored by Sen. Keim):** An Act To Provide Transparency Regarding State Contracts during a State of Emergency

This bill is simple in nature and so is my testimony on it. Transparency has been a missing ingredient in government. This bill aims to restore a bit of transparency.

Transparency is always the right call, so I urge the committee to vote “Ought to Pass” on LD 729.

**LD 955 (Sponsored by Sen. Keim):** An Act To Narrowly Tailor Emergency Powers of the Governor and Other Public Officials

Even as a cosponsor, I have my own issues with the first sections of the bill. I do not like or desire wording in state statute that gives any person on this planet the right to infringe or curtail constitutional rights. Our rights are given to us by our Creator and our documents are to restrict government from treading on our rights.

My cosponsorship of this bill pertains specifically to Section C of this bill. My goal for improving checks and balances does not just involve the legislative and executive branches. I fully believe the judicial branch has a compelling interest in how our Republic functions and granting them more access during times of emergency is the right thing to do.

**LD 980 (Sponsored by Rep. Sampson):** An Act To Establish Balance in the Governor's Emergency Powers

Throughout this bill, there are very limited times in which the Governor can move unilaterally. Section 1 restricts the broad powers in 37-B, Section 742 to only 7 days after filing an emergency proclamation with another provision to lengthen it for 3 days while working with the legislative branch.

In Section 3, powers after the 7th day revert to the Legislature with an important provision of allowing remote voting should such a circumstance arise.

Section 4 stops runaway executive branch power by making it an impeachable offense for a Governor to exercise emergency powers not allowed by statute.

These are important provisions for this committee to seriously consider. Having legislative involvement and control “baked-in” could be an ideal way to balance powers for many years and administrations to come.

**LD 985 (Sponsored by Sen. Stewart):** RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Legislative Approval of Any State of Emergency Lasting Longer Than 60 Days

I support a constitutional amendment when it comes to emergency powers. 60 days might be a little long, but perhaps a timeline longer than 30 days is enough to garner the two-thirds required for its passage in the Legislature.

**LD 1019 (Sponsored by Rep. Bradstreet):** An Act To Promote Transparent Emergency Management

This is a smart bill designed to reduce the intense confusion from one executive order to another. In section 2 of the bill, it would essentially require the Governor to reissue executive order with each emergency order. The cross-referencing of several orders was not a productive way of communicating executive power to the Maine People this last year.

**LD 1039 (Sponsored by Sen. Keim):** An Act To Safeguard the People's Voice in a State of Emergency

This bill holds two different thresholds as it pertains to the Legislature weighing in on emergency proclamations: a simple majority vote for 30-day emergency extensions and a two-thirds vote for termination of an emergency order.

This bill could be a productive way by retaining the majority’s will and respecting executive power by requiring two-thirds to terminate an emergency order.

**LD 1137 (Sponsored by Rep. Lemelin):** An Act To Limit the Governor's Emergency Powers by Requiring a Two-thirds Vote of the Legislature To Continue an Emergency after 90 Days (EMERGENCY)

This bill works similarly to many others. It would require a two-thirds vote to extend emergency orders for longer than 90 days. I think 90 days might be a little long, but perhaps a timeline longer than 30 days is enough to garner the two-thirds required for its passage in the Legislature.

**LD 1220 (Sponsored by Rep. Andrews):** An Act To Require a Two-thirds Vote of the Legislature Every 2 Weeks To Maintain a State of Emergency Declared by the Governor

This bill functions similarly to many of the others being heard today. This bill would require approval every 14 days by the Legislature after the initial 30 days. It would require a two-thirds vote.

This is a great way to keep the Legislature involved.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Justin Fecteau', with a stylized, flowing script.

Rep. Justin Fecteau