



Maine Municipal
Association

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Testimony of the Maine Municipal Association

In Opposition to

LD- 608 An Act Regarding the Governor's Emergency Powers
and

LD -955 An Act To Narrowly Tailor Emergency Powers of the Governor and Other Public Officials
and

LD 980- An Act To Establish Balance in the Governor's Emergency Powers

March 29, 2021

Senator Baldacci, Representative Matlack and distinguished members of the Joint Standing Committee on State and Local Government, my name is Rebecca Graham and I am providing testimony in opposition to LDs 608, 955 and 980 on behalf of MMA at the direction of our 70-member Legislative Policy Committee.

As drafted, these bills seek to restrict the ability for municipal officials to declare a state of emergency for highly localized emergencies or adequately respond to threats that require specific local powers. These authorities, such as the ability to suspend certain ordinances, are created, amended and bestowed by the voters onto their trusted officials.

Municipal officials are concerned with the element in LD 605 that requires commissioner support in order for an emergency order to apply in the respective county. While it may be the case that an emergency has varying impact on a geographic area of the state, or county or even a community, as was shown in the last year, it is important that all governments and municipalities work together. In these most serious of emergency one entity must take the lead.

While rare, the need for municipal officials to be able to declare a state of emergency is already extremely narrow in scope and necessary to allow that municipality to expend funds otherwise restricted, allow municipal employees responding to emergencies to remain on duty longer than normal hours by contract, and leverage assistance to move residents out of harm's way.

These plans are also consistently reviewed as required by Maine law, Title 37-B § 783 in conjunction with capable community institutions including hospitals, schools, health care facilities, group homes and day care centers.

These are extremely important and necessary powers particularly when an emergency is restricted to one community and a statewide or countywide declaration is inappropriate. Such instances can include

responding to local flooding hazards or a hazardous material spill, or other emergencies that pose a danger to municipal residents but does not extend beyond municipal boundaries.

Without this local authority, communities would be challenged to move vulnerable and immobile residents out of the way, such as care home residents, or stop the flow of traffic or other private transportation service in response to highly localized emergencies.

Additionally, the local emergency authority allows a municipality to shift political authority through a defined chain of municipal employees established through charter or ordinance, and approved by the residents of that community, in the event that the entire legislative body is unavailable, too injured, or is deceased, to serve as the acting authority.

Municipal emergency powers are limited by the nature of the emergency and creating a laborious time limited process that may require an impossible executive function under the circumstances, as suggested in LD 980, could interfere with emergency response.

For all of these reasons municipal officials ask that you vote ought not pass on the proposed legislation in LD 608, 955, 980 that removes the ability for municipalities to protect their citizens, allows for a patchwork quilt approach to addressing statewide emergencies, undermines local voter voice, or places time limits on responding to that authority not linked to the situational emergency.