



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

March 17, 2025

Honorable Joseph Baldacci, Chair
Honorable Suzanne Salisbury, Chair
Joint Standing Committee on State and Local Government
State House, Room 214
Augusta, Maine 04333

Re: 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

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

I am writing convey the opposition of the Governor's Office to 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 bill, if ratified, would seriously undermine the authority of this and future Governors to protect the public health, safety, and welfare during civil emergencies. We further believe such a provision is unnecessary to ensure the Legislature retains adequate authority to influence a Governor's emergency response as it sees fit.

The Governor's emergency powers are primarily set forth at 37-B M.R.S. § 741 *et seq.* These statutes, first enacted in 1983, are designed to allow the nimble and efficient decision-making that is critical to an effective emergency response. They provide the Governor and officials acting under her direction the authority to react rapidly to changing and unpredictable conditions as they unfold. LD 789, like other proposed statutory changes, would make that authority more cumbersome and less effective. These changes are contrary to the public interest.

Legislatures are effective policy making bodies, but are not well suited to make numerous, fact-specific, emergency management decisions in quick succession in response to continually emerging circumstances. That responsibility must necessarily fall to the Executive.



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The context for this bill is the COVID-19 pandemic, but the next occasion for a Governor to declare a state of emergency may well be dramatically different — a terrorist attack, extreme natural or man-made disaster, or some other now unimaginable scenario. It would be a profound mistake to constrain future Governors from exercising the necessary authority to safeguard Maine people when the State is next confronted with the need for an effective emergency response.

This is especially true given that the current statute retains for the Legislature the ultimate tool for protecting against executive overreach. The Legislature may terminate any emergency declaration “at any time” by a simple majority vote of each body. 37-B M.R.S. § 743(2). If there were broad concern within the Legislature that a Governor were abusing emergency powers, a termination resolution is the appropriate response.

We ask you to reject this legislation, which would make unnecessary and imprudent changes to a critically important statutory framework. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerald D. Reid", with a stylized flourish at the end.

Gerald D. Reid
Chief Counsel
Office of Governor Mills