

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 5 FY 91/92
DATE July 12, 1991

CIVIL PREPAREDNESS EMERGENCY ORDER OF JULY 12, 1991

WHEREAS, 5 M.R.S.A. §1501 requires that the 1992-93 fiscal biennium commence on July 1, 1991; and

WHEREAS, a budget document contemplated by 5 M.R.S.A. §1662 et. seq. that would appropriate and allocate funds sufficient to operate State Government during that biennium has not become law; and

WHEREAS, this event substantially affects the means by which the Executive Branch may faithfully execute the laws in accordance with Article V, Part First, Section 12; and

WHEREAS, the failure to execute faithfully those laws that serve the government's most fundamental purpose -- to provide protection against the risk of harm to persons and their property -- poses a direct and imminent risk of harm to those persons and their property; and

WHEREAS, this risk gives rise to a civil emergency within the meaning of the Maine Civil Emergency Preparedness Act, 37-B M.R.S.A. §701 et. seq; and

WHEREAS, that Act empowers the Governor, upon declaration of a civil emergency, to minimize and repair injury and damage resulting from such an emergency; and

WHEREAS, by virtue of the authority vested in me by the Constitution and Laws of the State of Maine, I declared a state of emergency in this state on July 11, 1991, and thereby deployed those forces and resources necessary and appropriate to execute those laws that minimize the risk of harm to persons and their property;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, order the continuous provision of state services through the continuous employment of only those State employees hereafter identified.

Standard for Determining the Workforce and its Functions

Only those persons employed by the State whose duties and functions minimize the risk of direct and imminent injury to persons, or minimize the risk of direct, imminent and substantial harm to property, or that serve to repair any such injury to persons or harm to property, or are essential to completing that portion of the law-making process that will relieve the state of emergency, or are necessary to administer those programs authorized to continue, or whose functions are necessary or appropriate to meet additional needs covered by the Maine Civil Emergency Preparedness Act, shall be allowed to report to work and perform their assigned tasks during the duration of this Order.

Procedure for Determining the Workforce and its Functions

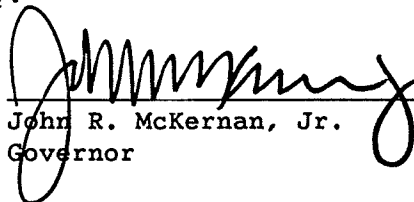
The commissioner, director or head of every department, office or agency, as well as the Treasurer, Secretary of State, State Auditor and Attorney General (hereafter the "Determining Authority"), shall determine, in accordance with the above standard, which employees shall work and which services shall be provided during the duration of this Order. The Determining Authority shall, in accordance with the above standard, report the specific position(s) and the specific function(s) to the Office of the Governor. The Office of the Governor shall review and approve or disapprove those determinations. In addition, the Determining Authority shall immediately report to the Office of the Governor any proposed changes to its determinations and the Office of the Governor shall promptly review and approve or disapprove the same. Any employee not so approved shall not attempt to perform his or her work during the duration of this Order.

Record for Inspection

A record of those employees required to report to work shall be maintained for public inspection in accordance with 1 M.R.S.A. § 401 et. seq. at the Bureau of Human Resources.

Effective Date and Duration of this Order

This Order shall become effective at 12:00 a.m. on July 12, 1991, and remain in effect until the state of emergency is terminated by Executive Proclamation, or until 12:00 a.m. on July 15, 1991, whichever is earlier. If the state of emergency still exists by 12:00 a.m. on July 15, 1991, this Order shall be reviewed and revised accordingly.



John R. McKernan, Jr.
Governor