

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 2017-005
DATE July 3, 2017

AN ORDER REGARDING CIVIL EMERGENCY PREPAREDNESS

WHEREAS, 5 M.R.S. §1501 requires that the 2018-2019 fiscal biennium commence on July 1, 2017; and

WHEREAS, a budget document contemplated by 5 M.R.S. §1662 et. seq that would appropriate and allocate funds sufficient to operate State government during that biennium has not become law by July 1, 2017; and

WHEREAS, this even 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, including property under the care of the State of Maine on behalf of the People; and

WHEREAS, this risk gives rise to a civil emergency within the meaning of the Maine Emergency Management Act, 37-B M.R.S. §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 1, 2017, 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;

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

NOW, THEREFORE, I, Paul R. LePage, 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 necessary to completing that portion of the law-making process that will relieve the state of emergency, or whose functions are necessary or appropriate to meet additional needs covered by the Maine Emergency Management 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, have determined, in accordance with the above standard, which employees should work and which services should be provided during the durations of this Order. The persons listed above shall, in accordance with the above standard, have reported the specific position(s) and the specific functions(s) to the Office of the Governor. The Office of the Governor has reviewed and approved or disapproved those determinations. Any future proposed amendments to the report containing the list of employees and functions shall immediately be sent to the Office of the Governor. The Office of the Governor shall promptly review and approve or disapprove the proposed amendment. Any employee not approved shall not attempt to perform his or her work during the duration of this order.

Effective Date and Duration of this Order

This Order shall become effective at 5:00 P.M. on July 3, 2017, and shall remain in effect until the state of emergency is terminated by Executive Proclamation, or until 5:00 P.M. on July 6, 2017 whichever is earlier. If the state of emergency still exists by 5:00 P.M. on July 6, 2017, this Order shall be reviewed and revised accordingly..



Paul R. LePage
Governor