

# MAINE STATE LEGISLATURE

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Date:

5/21/21

Minority

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 87, L.D. 131, "An Act To Amend the Governor's Emergency Powers"

Amend the bill by striking out all of section 5 and inserting the following:

'Sec. 5. 37-B MRSA §742, sub-§1, ¶F is enacted to read:

F. In dealing with a declared state of emergency under this subsection, the following powers may not be invoked:

(1) The eminent domain powers granted in section 821; and

(2) The enforcement powers granted in section 786, unless the Governor specifically invokes those powers by an order issued pursuant to a civil emergency proclamation and approved by 2/3 of the membership of the Legislative Council. That order must specify those emergency orders or rules that are enforceable pursuant to this subparagraph and must further specify the enforcement activities emergency management organizations are to pursue. An enforcement action may not be taken pursuant to this subparagraph without publication of the order authorizing the action in a manner reasonably calculated to give affected persons adequate notice of the order or rule to be enforced and the sanctions to be applied. Publication of the order may include publication on the Internet.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, corrects a statutory allocation to avoid a conflict.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT

SAR  
ROS



# 130th MAINE LEGISLATURE

LD 131

LR 28(02)

## An Act To Amend the Governor's Emergency Powers

Fiscal Note for Bill as Amended by Committee Amendment  
Committee: State and Local Government  
Fiscal Note Required: Yes

*A (H-209)*

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### Fiscal Note

#### Legislative Cost/Study

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The bill requires a 2/3 vote of the Legislature in order for the Governor to extend a state of emergency. The Legislature's baseline budget for 2022-2023 includes funds for the Legislature to meet after statutory adjournment in a special session on 2 days each fiscal year. Whether or not there are sufficient funds to cover the cost of holding a special session for the purpose of extending a state of emergency will depend on the number of times the Legislature is required to convene in special session during the interim. In addition, the bill requires certain actions taken by the Governor related to a state of emergency to be approved by a majority of the membership of the Legislative Council and other actions taken to be approved by 2/3 vote of the membership of the Legislative Council. Whether there are sufficient funds in the Legislature's budget for this will depend on the number of times the Legislative Council is required to meet.