

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1801

S.P. 726

In Senate, April 25, 2023

**Resolve, to Increase Transparency and Evaluate Emergency
Response Through a COVID-19 Review Commission**

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.

Cosponsored by Senators: BENNETT of Oxford, HICKMAN of Kennebec, Representative:
ARATA of New Gloucester.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this resolve establishes the COVID-19 Review Commission to review and
4 collect information regarding the executive orders related to the declared COVID-19
5 emergency; review contracts entered into related to executing the Governor's emergency
6 proclamation and related executive orders and the data related to COVID-19 collected by
7 the Department of Health and Human Services, Maine Center for Disease Control and
8 Prevention, including suicide attempts and deaths and drug-related hospitalizations and
9 deaths; study the Maine Center for Disease Control and Prevention's response, including
10 testing and use of contact tracing; and study the policies and rules connected to COVID-19
11 implemented by various state departments; and

12 **Whereas,** the review must be initiated before the 90-day period expires in order that
13 the study may be completed and a report submitted in time for consideration during the
14 next legislative session; and

15 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
16 the meaning of the Constitution of Maine and require the following legislation as
17 immediately necessary for the preservation of the public peace, health and safety; now,
18 therefore,

19 **Sec. 1. Commission established. Resolved:** That the COVID-19 Review
20 Commission, referred to in this resolve as "the commission," is established.

21 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
22 353, the commission consists of the Commissioner of Health and Human Services or the
23 commissioner's designee and 13 other members appointed as follows:

24 1. Four members of the Senate appointed by the President of the Senate, including 2
25 members from each of the 2 parties holding the largest number of seats in the Legislature;

26 2. Eight members of the House of Representatives appointed by the Speaker of the
27 House, including 4 members from each of the 2 parties holding the largest number of seats
28 in the Legislature; and

29 3. One member of the House of Representatives appointed by the Speaker of the House
30 who is not a member of the 2 parties holding the largest number of seats in the Legislature.

31 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
32 and the first-named House of Representatives member is the House chair of the
33 commission.

34 **Sec. 4. Appointments; convening of commission. Resolved:** That all
35 appointments must be made no later than 30 days following the effective date of this
36 resolve. The appointing authorities shall notify the Executive Director of the Legislative
37 Council once all appointments have been completed. After appointment of all members,
38 the chairs shall call and convene the first meeting of the commission. If 30 days or more
39 after the effective date of this resolve a majority of but not all appointments have been
40 made, the chairs may request authority and the Legislative Council may grant authority for
41 the commission to meet and conduct its business.

42 **Sec. 5. Duties. Resolved:** That the commission shall:

1 1. Study the State's response to coronavirus disease 2019, referred to in this resolve as
2 COVID-19, and state laws, rules and policies governing that response in the State,
3 including but not limited to executive orders related to the declared COVID-19 emergency;

4 2. Review contracts entered into related to executing the Governor's emergency
5 proclamation and related executive orders;

6 3. Review the data related to COVID-19 collected by the Department of Health and
7 Human Services, Maine Center for Disease Control and Prevention, including suicide
8 attempts and deaths and drug-related hospitalizations and deaths;

9 4. Study the Maine Center for Disease Control and Prevention's response, including
10 testing and use of contact tracing;

11 5. Study the policies and rules connected to COVID-19 implemented by the
12 Department of Health and Human Services, the Department of Education, the Department
13 of Defense, Veterans and Emergency Management, Maine Emergency Management
14 Agency and the Department of Economic and Community Development;

15 6. Review federal, state and local intergovernmental coordination;

16 7. Review distribution of vaccines, including the use of public and private methods for
17 distribution;

18 8. Review the availability of medical equipment and supplies, including personal
19 protective equipment;

20 9. Review interagency communication and information sharing, including review of
21 accountability and preparedness regarding executive emergency proclamation powers;

22 10. Review responses of hospitals, nursing homes and other congregate settings;

23 11. Review economic relief policies;

24 12. Review overall health and economic effects on communities, including racial and
25 ethnic minority populations, of COVID-19 infections and deaths and the response of the
26 State to mitigate those effects;

27 13. Review state, county and municipal government preparedness and response to
28 executive orders related to the declared COVID-19 emergency; and

29 14. Study any other matters related to the COVID-19 response as required by the
30 commission.

31 **Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the
32 Legislative Council shall provide necessary staffing services to the commission.

33 **Sec. 7. Report. Resolved:** That, no later than December 6, 2023, the commission
34 shall submit a report based on its review that includes its findings and recommendations,
35 including suggested legislation, to the Joint Standing Committee on Health and Human
36 Services. The joint standing committee may report out legislation to the Second Regular
37 Session of the 131st Legislature based on the report.

38 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
39 takes effect when approved.

1 **SUMMARY**

2 This resolve establishes the COVID-19 Review Commission to review and study the
3 State's response to COVID-19 and state laws, rules and policies governing that response in
4 the State, including the executive orders related to the declared COVID-19 emergency;
5 contracts entered into related to executing the Governor's emergency proclamation and
6 related executive orders and the data related to COVID-19 collected by the Department of
7 Health and Human Services, Maine Center for Disease Control and Prevention, including
8 suicide attempts and deaths and drug-related hospitalizations and deaths; the Maine Center
9 for Disease Control and Prevention's response, including testing and use of contact tracing;
10 and the policies and rules connected to COVID-19 implemented by the Department of
11 Health and Human Services; the Department of Education; the Department of Defense,
12 Veterans and Emergency Management, Maine Emergency Management Agency; and the
13 Department of Economic and Community Development. The commission is required to
14 submit a report based on its review that includes its findings and recommendations,
15 including suggested legislation, to the Joint Standing Committee on Health and Human
16 Services no later than December 6, 2023.