Office of
The Governor

No. 49 FY 19/20
DATE April 29, 2020

AN ORDER TO STAY SAFER AT HOME

WHEREAS, I proclaimed a state of emergency on March 15, 2020 and a renewed state of emergency on April 14, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19; and

WHEREAS, between March 18th and April 3rd I issued Executive Orders 14, 19, 28 and 34 FY 19/20 that, for the reasons and upon the authorities stated therein, imposed until April 30th certain emergency rules and limitations necessary to respond to COVID-19; and

WHEREAS, it is necessary to extend the effective dates of those Orders to continue to protect public health while, at the same time, implementing the *Together We Are Maine: Restarting Maine's Economy Plan (hereinafter Restarting Plan)*, as the deliberative process to identify how certain restrictions on businesses and activities can be safely and incrementally eased over time;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to the authorities cited in the Proclamations and Orders referenced above, do hereby Order as follows:

I. PURPOSE

The purposes of this Order are to continue to prioritize protection of public health and safety by keeping certain existing public safety measures for business and personal activities in effect through May 31, 2020 and to implement the *Restarting Plan* to assess how certain restrictions may, consistent with expert public health guidance, be safely eased to permit more economic and personal activity.

II. CONTINUED PRIORITY OF PUBLIC HEALTH

Protection of public health and our health care delivery system shall remain the first priority. The Commissioner of the Department of Health and Human Services (DHHS) and the Director of the Maine Center for Disease Control and Prevention (CDC) shall continue to advise on COVID-19 trends and metrics to guide the timing, pace and scope of any easing of current restrictions. Maine CDC currently tracks, subject to change, three primary metrics:

A. a downward trajectory of reported influenza-like illnesses and COVID-like syndromic cases;

B. a downward trajectory of documented cases and newly hospitalized patients; and

C. the capacity of Maine's hospital systems to treat all patients without crisis care and the ability of the State to engage in a robust testing program.

III. EXISTING EXECUTIVE ORDERS EXTENDED

To continue to protect public health, the effective dates of Executive Orders 14, 19, 28 and 34 FY 19/20 are hereby extended through May 31, 2020 unless sooner amended. All other provisions of such Orders remain in effect and subject to interpretive guidance. Such guidance includes, but is not limited to, the implementation of the *Restarting Plan*, incorporated into this Order by this reference.

IV. STAGES OF THE RESTARTING PLAN

Starting May 1, 2020, and consistent with Maine CDC/DHHS tracking metrics and recommendations, the Commissioner of the Department of Economic and Community Development (DECD) shall implement the *Restarting Plan* and identify businesses and activities where current restrictions may be adjusted to safely allow for more economic and personal activity. Businesses and activities so identified may receive a conditional approval consistent with the *Restarting Plan*. Any such approval is subject to change depending upon the demonstrated efficacy of the conditions imposed or the changing or general needs of public health. Any such approval is also subject to suspension or revocation depending upon actual and consistent compliance with such conditions. DHHS shall issue guidance for DECD and others on the process for health services identified in the *Restarting Plan*.

V. CLOTH FACE COVERINGS

Consistent with guidance from the United States Centers for Disease Control and Prevention individuals must wear cloth face coverings in public settings where other physical distancing measures are difficult to maintain.

A. Definitions. For purposes of this section, the following terms have the following meanings.

1. "Public settings" mean:

   a. indoor spaces that are accessible to the public such as grocery stores, retail stores, pharmacies and health care facilities;

   b. outdoor spaces such as playgrounds, busy parking lots, and other areas such as lines for take-out service where the public typically gathers in a smaller area; and

   c. public transportation such as a taxi, Uber, Lyft, ride-sharing or similar service; ferry, bus, or train; and any semi-enclosed transit stop or waiting area.

   Employers in settings that are not typically accessible to the public may determine the persons who should wear a cloth face covering at their workplace and shall permit any employee who wants to wear a covering to do so.

2. "Individual" means any person in such settings irrespective of whether the person is an employee, customer, vendor, invitee or other.

3. "Cloth Face Covering" is a protection that covers the nose and mouth; fits snugly but comfortably against the side of the face; is secured with ties or ear loops; has multiple layers of fabric; allows for breathing without restriction; and is able to be laundered and machine dried without damage or change to its shape.

B. **Exceptions.** Cloth face coverings are not required for children under age 2, a child in a child care setting, or for anyone who has trouble breathing or related medical conditions, or who is otherwise unable to remove the mask without assistance. A person who cannot wear a cloth face covering because of a medical condition is not required to produce medical documentation of the condition, provided that an employer may require such documentation from an employee in accordance with state and federal law.

C. **Other.** Cloth face coverings are not a replacement for adhering to social distancing protocols. As recommended by current CDC guidance, surgical masks and N-95 respirators are critical supplies that will remain be reserved for health care workers, medical first responders, and other workers as recommended by Federal guidance.

VI. EFFECTIVE DATE

This Order takes effect on April 29, 2020, with section V taking effect on May 1, 2020.

Janet T. Mills
Governor