Office of
The Governor

No. 19 FY 20/21
DATE December 11, 2020

AN ORDER SIMPLIFYING AND STRENGTHENING ENFORCEMENT OF FACE COVERING REQUIREMENTS

WHEREAS, I proclaimed a state of emergency on March 15, 2020 and renewed states of emergency on April 14, 2020, May 13, 2020, June 9, 2020, July 8, 2020, August 5, 2020, September 2, 2020, September 30, 2020, October 29, 2020, and November 24, 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 virus; and

WHEREAS, Maine is currently experiencing a significant increase in COVID-19 cases, hospitalizations, and positivity rates, while data and case investigations are providing evidence of widespread community transmission; and

WHEREAS, I instituted face covering requirements in Executive Order 49 FY 19/20, and have amended that Order in response to changing circumstances, new information, emerging threats, and a desire to simplify and strengthen the application of the terms of those Orders; and

WHEREAS, the Maine Department of Health and Human Services (DHHS), including the Maine Center for Disease Control (Maine CDC), and the Department of Economic and Community Development (DECD) now advise that additional amendments to face covering requirements are necessary and appropriate in light of the upward trajectory in the State's cases, hospitalizations, and positivity rates; and

WHEREAS, a governor's emergency powers under 37-B M.R.S. Ch. 13 include the authorities to limit occupancy of premises within the State pursuant to § 742(1)(C)(8); to take whatever action is necessary to abate or mitigate the danger of this pandemic pursuant to § 742(1)(C)(12); to utilize all available resources of the State Government as reasonably necessary to cope with this pandemic pursuant to § 742(1)(C)(2); and to delegate any authority vested in the Governor under 37-B M.R.S. Ch. 13 pursuant to § 741(3)(H);

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, Orders and provisions referenced above, do hereby Order as follows:

I. ORDERS

A. **Enforcement of face covering requirements in indoor public settings.** Owners and operators of indoor public settings must require all persons to wear face coverings in publicly accessible areas.

B. Exceptions.

1. Face coverings are not required for a person:

   a. under age 2;
   b. who has trouble breathing or related medical conditions, or who is otherwise unable to put on or remove the mask without assistance;
   c. with a developmental issue that is complicated or irritated by a face covering.

2. Nothing in this Order should be interpreted as prohibiting a reasonable accommodation for those with a disability, but due to the direct threat to public health and safety, no such accommodation may make it permissible for any person to enter or remain in any indoor public setting without a face covering.

C. Contrary language repealed. Section I(A)(4) of Executive Order 14 FY 20/21 is hereby repealed. Contrary language in section I(A)(2) of Executive Order 14 FY 20/21 and section I(C) of Executive Order 16 FY 20/21 is hereby repealed.

II. INTERPRETATION

This Order is subject to interpretive guidance from the Maine CDC, DHHS, DECD and the Department of Education.

III. ENFORCEMENT

This Order is subject to all available means of enforcement, including civil injunctive relief pursuant to Rule 65 of the Maine Rules of Civil Procedure, criminal prosecution pursuant to 37-B M.R.S. § 786(1) and the Maine Criminal Code, and administrative action under applicable licensing standards and requirements.

IV. EFFECTIVE DATE

This Order is effective December 11, 2020.

Janet T. Mills
Governor