Office of
The Governor

No. 57 FY 19/20
DATE June 9, 2020

AN ORDER REGARDING TRAVELERS INTO MAINE

WHEREAS, COVID–19 is a novel severe acute and highly contagious respiratory illness that threatens lives (more than 100,000 killed nationwide) and health care delivery systems (at least 450,000 health-care workers infected worldwide); and

WHEREAS, there is currently no known cure, effective treatment or vaccine for COVID-19 and, because people may be infected but asymptomatic, they may unwittingly infect others; and

WHEREAS, the medical and scientific uncertainties related to this pandemic present a dynamic and fact-intensive challenge for managing the safety and the health of Maine people and the stability of our health care delivery system; and

WHEREAS, I proclaimed a state of emergency on March 15, 2020 and renewed states of emergency on April 14, 2020 and May 13, 2020 to authorize the use of emergency powers in order to protect Maine citizens and their health care delivery system in response to COVID-19; and

WHEREAS, Maine has a population of 1.3 million citizens, a health care system designed for that population which, as of June 8, 2020, had, for example, 2,305 COVID-19 cases and 198 available ICU beds, and 673 ventilators available for current and new COVID-19 and non-COVID-19 patients requiring access to such equipment; and

WHEREAS, potentially posing a challenge to this surge capacity are the seasonal residents, vacationers and day-trippers who are starting to come to Maine in significant numbers, with most travelling by vehicle and primarily to popular destinations in certain coastal towns, islands, beaches, lakes and state parks; and

WHEREAS, last summer Maine had approximately 22 million non-resident visits and these day and overnight tourists often tripled the size of our densely populated beach towns and inland lake areas; and

WHEREAS, this summer Maine is projected to have at least 7 to 10 million such visits, with approximately half coming from states with per capita COVID-19 case rates that are eight to eleven times higher than that of Maine, and this volume, even if lower than last summer, still presents a significant threat to the public health of our tourism industry workers, our citizens, especially our many older citizens (the Maine population is one of the oldest in the nation) and, by extension, our health care delivery system; and

WHEREAS, the Maine Center for Disease Control and Prevention (Maine CDC) has the training, experience, and expertise to assess how best to protect public health, and Maine CDC advises that sustained efforts remain necessary to limit the spread of COVID-19 and reduce these risks; and

WHEREAS, on April 3, 2020 I issued Executive Order 34 FY 19/20 (extended by Executive Orders 49 and 55) that, for the reasons and upon the authorities stated therein, imposed certain temporary emergency rules and limitations governing travel into Maine to protect the people of this State and the viability of our health care system; and

WHEREAS, Maine CDC advises that quarantine, a tool used by approximately half of the states and the United States since the start of the pandemic, remains necessary as one measure to protect our citizens and our health care system from the risk of increased exposure and transmission; and

WHEREAS, on April 29, 2020 I announced our *We Are Maine: Restarting Maine's Economy Plan* (Restarting Plan), a key component of which is the significant increase in testing capacity to identify and limit points and the rate of transmission, and this Order takes advantage of that testing which is now more widely available since the date Executive Order 34 FY 19/20 was issued to enable travel to be both safer and less burdensome; and

WHEREAS, this Order is based upon the best available medical and scientific evidence and the most practicable options available to implement certain targeted measures that can protect public health; and

WHEREAS, this Order exercises expressly delegated emergency powers that include the authorities to:

a. Control the ingress and egress of persons and occupancy of premises within the State pursuant to 37-B M.R.S. §742(1)(C)(8);

b. Control the movement of persons within the State pursuant to 37-B M.R.S. §742(1)(C)(8);

c. Enlist the aid of any person to assist in the effort to control the emergency and aid in the caring for the safety of persons pursuant to 37-B M.R.S. §742(1)(C)(5) and 37-B M.R.S. §827;

d. Utilize all available resources of the State as reasonably necessary to cope with the emergency pursuant to 37-B M.R.S. §742(1)(C)(2); and

e. Take whatever action is necessary to mitigate a danger that may exist within the State pursuant to 37-B M.R.S. §742(1)(C)(12), including delegating authority vested in the Governor under 37-B M.R.S. Ch. 13 pursuant to 37-B M.R.S. §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 above and Proclamations and Orders referenced above, do hereby Order as follows:

I. PREFACE

This Order authorizes the implementation of the *Keep Maine Healthy: A Plan for Tourism in Maine Amid COVID-19* (Keep Maine Healthy Plan), incorporated herein by this reference. This Plan as adopted by this Order is multi-tiered and based on a preference for science-based tests, screenings, and disease prevention practices.

This Order repeals and replaces Executive Order 34 FY 19/20 and the extension of that Order provided in §III of Executive Order 49 and §I (G) of Executive Order 55 FY 19/20. This Order also modifies as provided in Part II below the 14-day quarantine requirement set forth in the Restarting Plan.

II. ORDER

Unless exempted as set forth below, all persons, residents and non-residents of Maine, who travel into Maine from other states, shall either:

A. Receive a recent negative test for COVID-19 in accordance with standards established by Maine CDC and set forth in the Keep Maine Healthy Plan; or

B. Quarantine for 14 days upon arrival in Maine. This quarantine requirement shall be construed consistent with the quarantine guidance applied under Executive Order 34 FY 19/20.

Compliance by an individual subject to this requirement is ascertained through a certificate of compliance developed by the Department of Economic and Community Development (DECD) in consultation with Maine CDC. This certificate shall be used by lodging operations and accommodations as a prerequisite to check-in. Lodging operations and accommodations must collect (on paper or electronically) a complete certificate stating compliance with this Order from each individual subject to this requirement as a prerequisite to check-in.

For purposes of this Order, lodging operations and accommodations are defined to include, but not be limited to, hotels, motels, bed and breakfasts, inns, short term rentals, such as those made available through VRBO, Homeaway, AirBnb and other services, parks for recreational vehicles and campgrounds, and all public and private camping facilities.

This section shall not apply to residents of New Hampshire and Vermont, or to Maine residents returning from travel to New Hampshire and Vermont. It shall also not apply to residents of additional states, and to Maine residents returning from travel to such states as Maine CDC determines at a future date to have a low likelihood of introducing COVID-19 into Maine.

III. APPLICATION

The application of this Order and the Keep Maine Healthy Plan shall be monitored and adjusted for appropriate or necessary changes, including interpretative guidance given by the Maine CDC, the Department of Health and Human Services or DECD.

IV. ENFORCEMENT

This Order may be enforced by any governmental department or official that regulates licenses, permits or otherwise authorizes the operation or occupancy of lodging operations and accommodations, businesses, buildings, parks and campgrounds. A violation of this Order may be construed to be a violation of any such license, permit and other authorization to which pertinent penalties may be assessed. Pursuant to 37-B M.R.S.A. section 786, this Order may also be enforced by law enforcement as necessary.

V. EFFECTIVE DATE

This Order takes effect June 9, 2020 and shall remain in effect unless sooner amended, renewed or terminated. The effective date of certain sections of this Order shall be as set forth in the Keep Maine Healthy Plan, currently July 1, 2020 for section II of this Order, except for the subsection relating to New Hampshire and Vermont residents which is currently June 12, 2020.

Janet T. Mills
Governor