Office of
The Governor

No. 27-A FY 20/21
DATE February 18, 2021

AN ORDER EXTENDING THE EFFECTIVENESS OF CERTAIN PROVISIONS OF MAINE'S EMERGENCY COVID-19 RESPONSE STATUTES

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, November 24, 2020, December 22, 2020, January 19, 2021, and February 17, 2021 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, it is necessary to protect the public health and prevent the spread of COVID-19 by avoiding large gatherings and observing social distancing guidelines; and

WHEREAS, Maine, like all states, continues to manage the COVID-19 virus and the Maine Department of Education (DOE) is supporting all pre-K-12 schools for in-person, remote, and a hybrid of in-person and remote learning; and

WHEREAS, municipal governments are required to alter their usual operations in response to the pandemic; and

WHEREAS, in Executive Order 27 FY 20/21 ("Executive Order 27") I entered orders to extend provisions of law intended to reduce risk associated with gatherings associated with municipal governance; and

WHEREAS, the Legislature expressly provided in P.L. 2019 Ch. 617, Pt. A that for the duration of the COVID-19 state of emergency, and for 30 days following the termination of that state of emergency, compulsory school attendance requirements would be waived and school nutrition services would continue despite school closures due to COVID-19, and

WHEREAS, P.L. 2019, Ch. 617, Pt. D, § D-1 allowed municipalities to deem the prior year's municipal budget as the municipal budget for the ensuing year if the annual municipal budget meeting is delayed due to health concerns arising from COVID-19 and allowed the municipal tax assessor to commit property taxes on the basis of the budget deemed approved; and

WHEREAS, P.L. 2019, Ch. 617, Pt. D, § D-2 suspended enforcement of 30-A M.R.S. § 5603(2)(A) and authorized municipal treasurers to disburse money without first having a vote of the municipal officers in a public meeting if those officers have individually seen and signed the disbursement warrant for the duration of the COVID-19 state of emergency and for 30 days following the termination of that state of emergency; and

WHEREAS, P.L. Ch. 617, Pt. D, § 3 allows during calendar year 2020 municipal officers to postpone the date of scheduled secret ballot elections when nominating papers have already been issued or filed; and

WHEREAS, while the Legislature indicated its intent to provide these changes for the duration of the declared COVID-19 state of emergency, the Legislature also included a repeal date of January 15, 2021 for P.L. 2019, Ch. 617, Pt. A and Pt. D; and

WHEREAS, the Governor's emergency powers expressly authorize the Governor to suspend the enforcement of statutes or agency rules inconsistent with managing the emergency pursuant to 37-B M.R.S. §§ 742(1)(C) and 834; to make, amend or rescind a necessary order or rule related to the emergency, pursuant to 37-B M.R.S. § 741(3)(A); and to delegate, pursuant to 37-B M.R.S. § 741(3)(H), any authority vested in the Governor under 37-B, Ch. 13;

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 provisions cited above, do hereby Order the following:

I. ORDERS

A. Executive Order 27 FY 20/21 Pt. I. is amended to read as follows:

1. The repeal date of January 15, 2021 contained in P.L. 2019, Ch. 617, Pt. A, § A-1 is suspended for the duration of a state of emergency declared by the Governor due to COVID-19, and for 30 days following the termination of that emergency.
2. The repeal date of January 15, 2021 contained in P.L. 2019, Ch. 617, Pt. D, § D-4 is suspended for the duration of a state of emergency declared by the Governor due to COVID-19, and for 30 days following the termination of that emergency.
3. Notwithstanding any statute or municipal charter provision to the contrary, provisions contained in P.L. 2019, Ch. 617, Pt. D, § D-3 are extended for calendar year 2021, or for the duration of a state of emergency declared by the Governor due to COVID-19, and for 30 days following the termination of that emergency.

B. Executive Order 53 FY 19/20 Pt. I. is amended to add the following:

F. Setting Tax Due Dates, Interest Rates and Accrual Dates. If the municipal assessor(s) commit property taxes during 2021 pursuant to the authority provided by PL 2019, Ch. 617, § D-1 because the municipality was unable to hold its annual budget meeting prior to the property tax commitment date, the municipal officers may set due date(s), the interest rate and date(s) that interest will accrue on delinquent property taxes, for taxes committed in 2021. To effectuate this Order, pertinent provisions of law that provide to the contrary, including but not limited to 36 MRS § 505, are suspended.

II. INTERPRETATION

Part I, Sec. A(1) of this Order is subject to interpretation from the Maine Department of Education.

III. EFFECTIVE DATE

This Order is effective February 18, 2021.

Janet T. Mills
Governor