Executive Order

Office of
The Governor

No. 43 FY 19/20
DATE April 24, 2020

AN ORDER EXPEDITING EXTRAORDINARY EMERGENCY FINANCIAL ORDERS AND ALLOTMENTS BY WAIVING THE THIRTY DAY WAITING PERIOD DURING THE STATE OF EMERGENCY

WHEREAS, I proclaimed a state of emergency on March 15, 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, the Second Regular Session of the Maine State Legislature adjourned sine die on Tuesday, March 17, 2020; and

WHEREAS, Executive Order 19 FY 19/20, dated March 24, 2020, ordered the closure of the public facing functions of for-profit, non-profit, and other entities, with an exception for Essential Businesses and Operations, including, inter alia, hotel and commercial lodging; and

WHEREAS, Executive Order 28 FY 19/20, dated March 31, 2020, directed all people to stay at home or their place of residence, leaving only for specified essential reasons; and

WHEREAS, on April 14, 2020, I issued a proclamation extending the state of emergency due to the continuing health and safety risks of COVID-19; and

WHEREAS, Section 1585(1) provides that financial orders are subject to review by the Joint Standing Committee on Appropriations and Financial Affairs and must be submitted by the Bureau of the Budget to the Office of Fiscal and Program Review thirty (30) days before the transfer is to be implemented to permit such review, except in case of extraordinary emergency transfers where the thirty day prior submission requirement may be waived by vote of the committee; and

WHEREAS, allotments accomplished by financial order under Section 1667-B are subject to a thirty day wait before they become effective after approval by the Governor unless the thirty day wait is waived by vote of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs in case of extraordinary emergency situations; and

WHEREAS, inasmuch as the Legislature adjourned sine die on March 17, 2020 and the Joint Standing Committee on Appropriations and Financial Affairs has not met since that date and it is not anticipated that committees will meet during the state of emergency, making committee review of financial orders and allotments under 5 M.R.S. § 1585(1) and § 1667-B(3),

respectively, and the waiver of the thirty-day waiting period for extraordinary emergency transfers all unlikely to be obtained; and

WHEREAS, the thirty-day delay of all financial orders and delay of the effective date of such allotments with extraordinary emergency purposes affects the state's ability quickly address needs during this state of emergency; and

WHEREAS, 37-B M.R.S.§ 742(1)(C)(1) & (2) and (13)(a) authorize the Governor during a state of emergency declared due to the outbreak of COVID-19 to: suspend the enforcement of statutes or rules for the conduct of state business if strict compliance with such requirements would in any way prevent, hinder, or delay necessary action in dealing with the emergency; to utilize resources of the state and its subdivisions as reasonably necessary to cope with the disaster; and to reasonably adjust time frames and deadlines imposed by law for state and municipal government when necessary to mitigate an effect of the emergency.

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 by 37-B M.R.S. § 742(1)(C)(1) & (2) and (13)(a) and § 834, do hereby Order the following.

I. ORDER

That contingent upon notification to the Joint Standing Committee on Appropriations and Financial Affairs:

A. Those parts of 5 M.R.S. § 1585(1) requiring all financial orders to be filed with the Office of Fiscal Program Review thirty days before implementation, and review of all financial orders by the Joint Standing Committee on Appropriations and Financial Affairs are hereby suspended for COVID-19 related financial orders and others of an extraordinary emergency nature; and

B. That part of 5 M.R.S. § 1667-B(3) requiring review of allotments by the Joint Standing Committee on Appropriations and Financial Affairs and that part of § 1667-B(4) delaying the effectiveness of any allotment approved by the Governor for thirty days are hereby suspended for COVID-19 related financial orders and others of an extraordinary emergency nature.

II. EFFECTIVE DATE

This Order is effective April 24, 2020 and shall remain in effect until rescinded or until the State of Civil Emergency to Protect Public Health is terminated, whichever occurs first.

Janet T. Mills
Governor