Office of
The Governor

NO. 14 FY 20/21
DATE October 6, 2020

AN ORDER TO IMPLEMENT PHASE FOUR OF THE RESTARTING MAINE'S ECONOMY PLAN

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, and September 30, 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, on April 29, 2020 I announced the implementation of the *Restarting Maine's Economy Plan* (Restarting Plan), as the deliberative process to ease restrictions safely on businesses and activities starting on May 1st, with successive phased-in actions to follow based on progress in limiting the spread of COVID-19; and

WHEREAS, I have implemented the first three phases of the Restarting Plan through Executive Orders and agency guidance while responding to changing circumstances, new information, and emerging threats; and

WHEREAS, the protective measures in the Restarting Plan have mitigated many of the harmful public health and economic impacts of COVID-19 in Maine; and

WHEREAS, with the arrival of Fall and approach of Winter, Maine is now positioned to implement Phase Four of the Restarting Plan; and

WHEREAS, additional modifications to the Restarting Plan and the Executive Orders implementing it are now necessary and appropriate to prevent backsliding in public health while providing reasonable increases in opportunities for certain activities; and

WHEREAS, the Maine Center for Disease Control (Maine CDC) now advises that the indoor gathering limit can be increased safely, and that face covering requirements should be expanded and modified in certain respects; and

WHEREAS, a governor's emergency powers include under 37-B M.R.S. Ch. 13 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. FACE COVERINGS

1. **Publicly accessible portions of government facilities.** To clarify the scope of settings subject to guidance and ensure public health protections within government buildings, the definition of "public setting" in section V(A)(1) of Executive Order 49 FY 19/20 is clarified by adding the following subsections:

    (d) Portions of municipal, county, and state government buildings and grounds that are typically accessible to the public, including parking lots, walkways, lobbies, waiting areas, elevators, service desks, and related hallways. For the purpose of this section, government buildings and grounds include those privately owned and leased for government use;

    (e) Other locations that Maine CDC, DHHS, and DECD identify as presenting a risk of transmission of the virus.

2. **Publicly accessible portions of retail, commercial and certain other establishments.** To ensure public health protections within retail and commercial establishments, section I(B) of Executive Order 2 FY 20/21 is amended as follows:

    Retail stores with over 50,000 square feet of shopping space (as defined in Executive Order 28-A-2 FY 19/20), eating establishments, bars, tasting rooms, social clubs, and lodging operations and accommodations (as defined in Executive Order 57 FY 19/20) shall implement measures requiring customers and employees to wear face coverings in publicly accessible areas consistent with guidance. Such measures may, for example, include denial of entry or service. The establishment's responsibility under this section is in addition to compliance with all other applicable Executive Orders, State of Maine guidance and the Restarting Maine's Economy COVID-19 Prevention Checklists, including requirements governing the use of signage.

3. **Schools and childcare settings**. To ensure public health protections within schools and childcare settings, section V(B) of Executive Order 49 FY 19/20, and section I(B) of Executive Order 6 FY 20/21, are repealed and replaced by the following:

   Face coverings are recommended for children ages 2 to 4 unless deemed developmentally inappropriate. Face coverings are required for all persons age 5 and older in all school and childcare settings, both public and private.

4. **Exceptions**: Face coverings are not required for a person:

   (a) Under age 2;
   (b) During vigorous exercise;
   (c) Who has trouble breathing or related medical conditions, or who is otherwise unable to put on or remove the mask without assistance;
   (d) With a developmental issue that is complicated or irritated by a face covering.

   A person who cannot wear a cloth face covering because of a medical or developmental condition is not required to produce medical documentation of the condition, provided that an employer may require such documentation from an employee, and a school may require such documentation from a student in accordance with state and federal law. Nothing in this Order should be interpreted as preventing an establishment, governmental facility, or school from making accommodations on an individualized basis to the extent required by state or federal disabilities laws.

B. INDOOR GATHERINGS

Section I(A) of Executive Order 14 FY 19/20 and section I(A) of Executive Order 55 FY 19/20 are amended as follows:

1. For establishments that provide and require seating for all invitees, the indoor gathering limit is 50% of the facility's permitted occupancy limit or 100 persons, whichever is less. For the purposes of this section, such establishments include restaurants, bars, tasting rooms, houses of worship, social clubs, school cafeterias, and other establishments identified in the Restarting Plan.

2. For establishments that do not provide and require seating for all invitees, the indoor gathering limit is 50.

3. All indoor gatherings are subject to applicable location and activity-based requirements issued by Maine CDC, Maine Department of Health and Human Services (DHHS), and Maine Department of Economic and Community

Development (DECD).

II. INTERPRETATION AND AMENDMENT

This Order is subject to interpretative guidance from Maine CDC, DHHS, and DECD.

III. ENFORCEMENT

This Order is subject to all available methods of enforcement.

IV. EFFECTIVE DATE

This Order takes effect October 13, 2020 and shall remain in effect until rescinded. Bars and tasting rooms are subject to an activity-specific reopening date under interpretive guidance from Maine CDC, DHHS, and DECD.

Janet T. Mills
Governor