Office of
The Governor

No. 54 FY 19/20
DATE May 15, 2020

AN ORDER REGARDING ADMISSIONS TO THE DEPARTMENT OF CORRECTIONS

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 expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19; and

WHEREAS, this Order is necessary under this emergency to protect the health of those individuals incarcerated in or working in Department of Corrections (Department) facilities and to protect against the spread of COVID-19 among individuals in those facilities; and

WHEREAS, staff and inmates at county jails and municipal detention facilities have tested positive for and/or exhibited symptoms of COVID-19; and

WHEREAS, this Order is necessary to allow the Department to temporarily stop the intake of inmates into Department facilities from county or municipal detention facilities to minimize the risk of introducing COVID-19 into the Department's facilities; and

WHEREAS, a governor's emergency powers expressly include the authorities to suspend the enforcement of statutes or agency rules inconsistent with managing the emergency pursuant to 37-B M.R.S. §742(1)(C)(1) and §834; make a necessary order related to the emergency pursuant to 37-B M.R.S. §741(3)(A); and control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein pursuant to 37-B M.R.S. §742(1)(C)(8); and

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 referenced above, do hereby Order as follows:

I. ORDERS

To avoid the risk of spreading COVID-19 from a county or municipal detention facility to a state detention facility:

A. The Department may, in its sole discretion, prohibit the transfer of any or all inmates from any or all county or municipal detention facilities to Department facilities.

B. The requirement in 17-A M.R.S. §2304 that the Commissioner of the Department (Commissioner) immediately inform the sheriff or the sheriff's designee of the location of the Department's correctional facility to which the individual committed to the Department must be transported is suspended.

C. The Commissioner or the Commissioner's designee shall exercise the complete discretion granted by 17-A M.R.S. §2304 and may determine that a county or municipal detention facility shall be the initial place of confinement in lieu of a Department facility.

D. Any other pertinent provision of law contrary to the purpose of this Order is hereby suspended during the effective period of this Order.

II. EFFECTIVE DATE

This Order takes effect on May 15, 2020 and shall remain in effect until amended, rescinded or until the state of emergency is terminated, whichever occurs first.

Janet T. Mills
Governor