

**MAINE MUNICIPAL ASSOCIATION
LEGAL SERVICES****RESTARTING MAINE'S ECONOMY STAGE 2 & MUNICIPALITIES:**

Updated June 5, 2020 - We offer the following guidance based on our interpretation of the Governor's Orders and consultations with the state. We will update this document whenever additional guidance becomes available.

Background:

On April 28, 2020, Governor Janet Mills presented a [plan to gradually "restart" Maine's economy](#). The plan establishes gradual stages of reopening, each based on calendar months beginning in May. The earliest stages are focused on resuming business operations and activities which can be conducted in a safe manner, meaning they have a low risk for potential transmission of the virus. Order No. 49 directs the Department of Economic & Community Development (DECD) to implement the Restarting Plan and identify businesses and activities for which current restrictions may be adjusted to safely allow for more economic and personal activity.

- **Stage 1** occurred during the month of May, continuing a 10-person gathering limit and 14-day quarantine for persons entering Maine. Stage 1 allowed limited expansion of retail activities.
- In May, the Governor also introduced a Rural Reopening plan to allow accelerated re-opening in selected counties during the month of May.
- **Stage 2** occurs during the month of June during which additional business activities will be allowed consistent with checklists issued by DECD. There is a prohibition on gatherings of more than 50 people and a 14-day quarantine on people entering Maine.
- **Stage 3** is planned to occur during July and August, during which time additional activities will be allowed consistent with DECD checklists. The prohibition on gatherings of more than 50 people and a 14-day quarantine on people entering Maine are expected to continue.
- **Stages are subject to change.** Progression through restarting stages is planned month-by-month, however, decisions will be based on public health metrics. Plans are subject to change based on virus trends, testing or treatment breakthroughs, or identification of new, safe ways of doing business.

Executive Order ([No. 49](#)) implementing the restarting plan maintains in force several previous Executive Orders through May 31st, including [Order No. 19](#), directing all "non-essential" businesses and operations to cease operations at sites that are: (1) public-facing (allow customer, vendor or other in-person contact) or (2) at sites that require more than 10 workers

to convene in a space where social distancing is not possible. Executive Order No. 19 applies to all for-profit, non-profit or other entities regardless of the nature of services performed.

Executive Order (No. 55), issued May 29th, allows for the gradual easing of restrictions implemented under previous Executive Orders as the state continues to reopen under the Restarting Plan. In particular, this Order:

- Increases the gathering restriction to 50.
- Begins to phase out the essential/non-essential business distinction set forth in Executive Order No. 19, transitioning to identifying specific types of business activities that may operate according to DECD guidelines.
- Continues to require remote working to the extent practicable, and requires strict compliance with applicable COVID-19 Prevention Checklist for business now allowed to operate where remote working not practicable.
- Eases the closure of lodging in Order No. 34, and allows some lodging to begin consistent with the Restarting Plan. The interstate travel restrictions (quarantine) remain in effect until further notice.
- Continues to require face coverings at large gatherings, including those held outside. Also clarifies that businesses open to the public must post signs notifying customers of the requirement, and are authorized to deny service to those who refuse. (**Note:** municipalities do not necessarily have the same rights as private businesses to deny service to those without face coverings, and should not attempt to do so without first consulting MMA Legal Services or the municipal attorney.)

This MMA guidance focuses on Stage 2 of the Restarting Plan, which begins June 1, 2020 and applies to all Maine counties. A number of new activities are allowed as of June 1st provided the activities are conducted within DECD guidelines.

Municipalities must visit the Maine DECD's website to access guidance checklists and obtain updates on the restarting plan. The site is updated frequently at www.maine.gov/decd/home

What does Stage 2 mean for municipalities?

- As mentioned above, Executive Order No. 55 “phases out” the essential/non-essential distinction for determining which business operations may reopen. This phase-out does not affect the continued operation of those activities municipalities have already deemed to be essential and have continued to provide according to the previous Order No. 19. However, going forward non-essential activities that have not yet become operational within the

June 5, 2020

municipality (e.g. day camps, recreational activities, public beaches or parks) should be resumed when and to the extent allowed by DECD guidelines.

- Municipalities should continue to encourage remote working and remote services (online, by mail, by appointment) to the extent practicable, and if they choose to open facilities to the public, they must follow the applicable DECD guidance for doing so safely.
- When the DECD issues guidance applicable to a municipal program, that guidance should be followed.
- The Maine DECD has issued [restarting guidance](#) for the following activities of interest to municipalities:

Public and Community Buildings, including municipal and county offices and libraries. The guidance addresses operations, restrooms, employees, transactions and general cleaning and disinfection.

Municipal libraries are included within the Public and Community Buildings guidance and are also directed to follow Maine Library Commission guidance: COVID-19 Prevention Checklist – Public Library Guidance.

Recreational activities, including, but not limited to, the following:

- Golf courses
- Day Camps and Summer Recreation Programs
- Community Sporting events
- Marinas
- Campgrounds/RV Parks

June 5, 2020

Large gatherings including open town meetings. Note that total group numbers must be within the gathering size limits established by the Governor's Executive Order – scheduled to expand to 50 persons on June 1, 2020.

- Municipalities are not required to submit the online form on DECD's website that is applicable to business re-openings.
- Municipalities may voluntarily download and post the badge and door sign available on DECD's website to inform the public that the municipality is following best recommended practices.
- Consultation with the municipal attorney or MMA Legal Services to discuss specific situations is encouraged.

Where can MMA members receive more information?

Additional guidance is located on MMA's "Coronavirus Updates and Resources" page at www.memun.org.

Municipal members are also invited to contact MMA Legal Services for specific advice on these topics at 800-452-8786 or legal@memun.org.

Maine Municipal Association
Legal Services Department
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