

**Cloth Face Covering Requirements in Maine**  
**Updated June 8, 2020**

We are fielding many questions from clients regarding Maine’s requirements to wear cloth face coverings at work and in public places. Below, we provide a brief overview of CDC guidance, state law, and industry specific guidance from the Maine Dept. of Economic and Community Development (DECD). For more information, please contact Peter Lowe at [plowe@brannlaw.com](mailto:plowe@brannlaw.com) or 207-754-5672, or Dan Stockford at [dstockford@brannlaw.com](mailto:dstockford@brannlaw.com) or 207-607-3290.

**CDC Guidance on Cloth Face Coverings**

The CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g. grocery stores and pharmacies), especially in areas of significant community-based transmission. For office buildings and workplaces, the CDC recommends employees wear cloth face coverings over “their nose and mouth in all areas of the business.” The CDC specifies that wearing a cloth face covering does not replace the need for social distancing.

**Cloth Face Coverings Requirements under Maine Law**

Pursuant to Executive Order #49, issued on April 29, 2020, cloth face coverings must be worn in public settings “where other physical distancing measures are difficult to maintain.” Examples of public settings include: 1) indoor spaces that are accessible to the public, such as grocery stores, retail stores, pharmacies and health care facilities; 2) outdoor spaces such as playgrounds, busy parking lots, and other areas such as lines for take-out services where the public typically gathers in a smaller area; and 3) public transportation such as a taxi, uber, lyft, ride-sharing or similar services, ferry, bus, or train, and any semi-enclosed transit stop or waiting area. Similar to CDC recommendations, Executive Order 49 states cloth face coverings are not a replacement for social distancing.

As for employers, the order states, “employers in settings that are not typically accessible to the public may determine the persons who should wear a cloth face covering at their workplace and shall permit any employee who wants to wear a covering to do so.”

Executive Order #55, issued on May 29, 2020, requires businesses to post signage notifying customers of the requirement to wear cloth face coverings *before* June 5, 2020. Businesses can deny entry to those who do not wear face coverings, so long as they are not exempt from doing so. Additionally, cloth face coverings must be worn at large gatherings held inside or outside.

Individuals who have trouble breathing, have related medical conditions, or are otherwise unable to remove the mask without assistance are not required to wear one. These individuals are not required to produce medical documentation validating their medical condition. However, employers may require documentation from employees in accordance with state and federal law.

### **Industry Specific Recommendations from DECD**

Businesses re-opening during COVID-19 must comply with industry specific guidance from the DECD. Below, we've outlined the DECD's cloth face covering requirements for specific industries. All of the COVID-19 prevention checklists for businesses are available [here](#).

Industry	Cloth Face Covering Requirements
Large gatherings	should be worn in public settings when physical distancing is not possible
Construction	Required for all staff, vendors, visitors, customers, and riders where physical distancing is difficult to maintain
Education <ul style="list-style-type: none"> <li>- Graduation ceremonies</li> <li>- Summer education programming</li> </ul>	<ul style="list-style-type: none"> <li>- Whether graduation ceremonies are held indoors or outdoors, cloth face coverings must be used in all public settings</li> <li>- Bus drivers must be provided plexiglass divider and/or face shield; students must wear face covering on bus</li> <li>- Follow CDC recommendations for face coverings in classrooms and instructional settings</li> </ul>
Barber shops and hair salons	Masks required for employees, not face coverings. Clients must wear face coverings.
Religious gatherings	Staff must wear face coverings when physical distancing is not possible
Drive-in theaters	Require all staff, vendors, and customers to wear a face covering where physical distancing is difficult to maintain
Golf and disc golf courses	Require all staff, vendors, and customers to wear a face covering where physical distancing is difficult to maintain. Face coverings are not required when individuals are alone in personal offices. Golfers should wear face coverings when indoors or when unable to maintain physical distancing.
Marinas	Require staff to wear cloth face coverings when physical distancing is not possible

Real estate	Real estate agent and principals must wear cloth face coverings during walk-throughs. Building inspectors and appraisers must wear cloth face coverings when entering properties.
Car dealerships and car washes	Require all staff, vendors, and customers to wear a face covering where physical distancing is difficult to maintain. Face coverings are not required when individuals are alone in personal offices.
Transportation	Require all staff, vendors, visitors, and riders to wear a face covering
Retail businesses (rural reopening)	Require employees, contractors, drivers, and vendors to wear cloth face coverings while on the premises. Customers should wear cloth face coverings. Post business policy on cloth face covering at entrance and throughout the store.
Restaurants	Require employees to wear cloth face coverings... it is acceptance for kitchen staff to wear face shields in lieu of masks when the kitchen or weather is warm. Entertainment personnel should following cloth face covering guidelines. Customers should wear cloth face coverings when in a food service facility where social distancing is difficult, but do not need to wear them when seated at the table. Contractors, drivers, and vendors are required to wear cloth face coverings while on premises.
Public and community buildings	Require all staff, vendors, and visitors to wear a face covering. Face coverings are not required when individuals are alone in personal offices.
Museums	Require all staff, vendors, and visitors to wear a face covering. Face coverings are not required when individuals are alone in personal offices.
Day camps, summer recreation, and overnight camps	Staff and campers should wear cloth face coverings when practicable
Gyms and exercise facilities (rural reopening)	Staff must wear cloth face coverings at all times, even when physically distanced. Require vendors and patrons to wear a cloth face covering where physical distancing is difficult to maintain. Face coverings do not need to be worn while eating or drinking, and “may not be compatible with many activities”

	because they may “inhibit respiration during exercise.”
Community sports	Face coverings are not currently recommended for players during practice or competition. Face coverings can be used, if feasible, during coach strategy sessions and whenever possible.
Nail salons	Employees must wear masks, not face coverings. Clients should wear face coverings.
Tanning salons	Employees must wear masks, not face coverings. Clients must wear face masks as long as practicable.
Dog grooming	Require all staff, vendors, and customers to wear a face covering where physical distancing is difficult to maintain. Face coverings are not required when individuals are alone in personal offices.
Tattoo, body piercing, electrolysis, and micropigmentation establishments (rural reopening)	Require employees to wear face masks at all times. Employees should also wear face shields when servicing clients, if available. Clients must wear face coverings at all times. If a client is receiving services where they cannot wear a face covering, the client should wear a face covering before and after, as well as during as much of the service as possible.
General checklist	Require employees to wear cloth face coverings. Degree to which cloth face coverings, masks and face shields are recommended is based on proximity and duration of contact. See industry specific guidance.

The information provided in this document does not, and is not intended to, constitute legal advice. All information and materials are for general purposes only. For further information, or to obtain advice regarding a particular legal matter, please consult with legal counsel.