

CLIENT ALERT: Governor Mills Issues Executive Order #2
July 9, 2020

On Wednesday, July 8, Governor Mills issued An Order Strengthening The Use of Face Coverings (Executive Order 2 FY 20/21), accessible [here](#). The Order, which took effect immediately, requires certain Maine businesses to “implement measures requiring customers to wear face coverings.” The Order’s details are reviewed here.

The businesses subject to the Order are retail stores with over 50,000 square feet of shopping space, eating establishments, bars, tasting rooms, and lodging operations and accommodations, located in Cumberland, Hancock, Knox, Lincoln, Sagadahoc, Waldo, or York Counties, or in the municipalities of Auburn, Augusta, Bangor, Brewer, or Lewiston.

“Shopping space,” for the purposes of the Order, means the areas to which customers typically have access, and does not include employee-only areas, such as stock, supply, storage, break, or office areas.

“Lodging operations and accommodations” includes, but is not limited to, hotels, motels, bed and breakfasts, inns, short-term rentals made available through VRBO, Homeaway, AirBnb or another service, recreational vehicle parks, and public and private campgrounds.

The measures required may include denial of entry or service to those not wearing masks. The Order does not otherwise specify what measures are adequate to meet its requirements.

The Order may be enforced by any government department or official that regulates, licenses, permits, or otherwise authorizes, the operation or occupancy of the business. Municipalities may enforce the requirement of a face covering on streets and sidewalks, and in parks and other public places, where people are gathering and cannot maintain six feet of distance. In addition, the Order may be enforced by law enforcement “as necessary.”

A violation of the Order may be construed as violation of the license or permit that authorizes the operation or occupancy of the business. In case of a violation, penalties “pertinent” to a business’s license or permit may be assessed. In addition, disobedience of a law enforcement officer’s order enforcing this Order is a Class E crime, punishable by up to six months incarceration and a \$1,000 fine.

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