

**CLIENT ALERT: CDC and State of Maine Revise COVID-19 Guidance**  
**May 17, 2021**

You no doubt heard the encouraging news coming from the CDC and the State of Maine at the end of last week. On May 13, 2021, the CDC [announced](#) fully vaccinated individuals can resume pre-pandemic activities without masking or social distancing. The State of Maine followed suit, [announcing](#) it would adopt the CDC's guidance and the new less restrictive measures take effect on May 24<sup>th</sup>. The changes are relatively straightforward, but the ongoing management of a partially vaccinated workforce will be far from simple. Today we are focusing on the guidance and in subsequent Alerts we will address options. We are also anticipating, any day now, OSHA's COVID-19 Temporary Emergency Standard.

- **Face covering guidance:** the CDC states fully vaccinated individuals may participate in activities, both indoors and outdoors, without wearing a mask or maintaining six feet of social distance, *except* where masks and social distancing are required by state or local rules and regulations, including local business and workplace guidance.

In Maine, beginning May 24, 2021 fully vaccinated individuals will not be required to wear face coverings in indoor or outdoor public settings. Additionally, Maine will lift all capacity limits and social distancing requirements in public settings. Consistent with CDC guidelines, the state of Maine recommends those who are *not* fully vaccinated wear face coverings in indoor public settings. Clearly this includes employees who are not fully vaccinated in the public areas of the workplace, where physical distancing is not practical.

- **Who is fully vaccinated?** Individuals are fully vaccinated two weeks after their second Pfizer or Moderna vaccine, or two weeks after their single-dose J&J vaccine.
- **What does this mean for Maine employers?** After May 24<sup>th</sup> vaccinated employees do not have to wear face coverings at work. The State advises that “business and other organizations may, consistent with legal obligations, adopt policies for their employees or clients that either require vaccination or require proof of vaccination in order to avoid wearing a mask.” Although this suggests that employers may mandate employee vaccines, it is far from a full throated endorsement given the “consistent with legal obligations” qualifying statement.
- **What about travel?** The CDC states fully vaccinated individuals may travel domestically without getting tested for COVID-19, unless required by state or local

health authorities. Fully vaccinated individuals do not need to self-quarantine following domestic travel.

While fully vaccinated individuals traveling internationally do not need to be tested before leaving the U.S., they will need to [show proof](#) of a negative test result or recovery from COVID-19 before returning to the U.S. The CDC recommends fully vaccinated international travelers get tested 3-5 days following arrival in the U.S. There is no recommendation for self-quarantine.

Maine's travel restrictions are slightly different than the CDC's recommendations. As of May 1, Maine "no longer requires proof of a negative test or quarantine for travelers to the state." However, Maine [requires](#) vaccinated international travelers to get tested for COVID-19 3-5 days after traveling back to the U.S. Unvaccinated international travelers are required to quarantine for 7 days and get tested for COVID-19 3-5 days after arrival in the U.S. Even if their test is negative, unvaccinated international travelers should complete a 7-day quarantine after travel. Any international traveler who is not tested for COVID-19 after their trip should quarantine for 10 days after arrival in the U.S.

Maine CDC has special requirements for health care workers traveling domestically and internationally, which is available [here](#).

- **Does this change employer quarantine rules?** It could. The CDC advises fully vaccinated individuals who are "around someone who has COVID-19" do not need to quarantine or get tested unless they develop symptoms. The one exception to this rule is for those who live or work in a detention center, correctional facility, or a homeless shelter, in which case even asymptomatic, vaccinated individuals should be tested.

Following exposure to COVID-19, fully vaccinated individuals should monitor their symptoms for 14 days and should be tested if they experience symptoms. Fully vaccinated individuals should not visit private or public settings (such as the workplace) if they are exhibiting symptoms or have tested positive for COVID-19 in the previous 10 days. The CDC states "fully vaccinated people with no COVID-19-like symptoms and no known exposure should be exempted from routine screening testing programs, if feasible."

Additionally, the State announced it will "begin retiring its COVID-19 Prevention Checklists [issued by the DECD] and transitioning to U.S. CDC guidelines as appropriate." COVID-19 guidance from the Maine Dept. of Education remain in effect at this time. **Please note** that the CDC's guidance for fully vaccinated individuals is *not* applicable in healthcare settings. For the CDC's guidance on work restrictions, travel, and quarantine for healthcare providers, please see [here](#).