



Office of the Governor
1 State House Station
Augusta, ME 04333
c/o Linda Pistner, Deputy Legal Counsel

SUBMITTED VIA EMAIL TO LINDA.PISTNER@MAINE.GOV

March 24, 2020

Dear Governor Mills,

Thank you for your leadership during this COVID-19 crisis in Maine.

We represent newsrooms and journalists throughout the region who are working tirelessly to keep citizens informed during this uncertain and unprecedented time. We are writing to ensure that news organizations will be categorized as “essential” if and when you deem it necessary to close nonessential businesses to help contain the coronavirus.

In print, on the air and online, journalists play a crucial, constitutionally protected role in providing information to communities during a time of crisis. Misinformation about the coronavirus is pervasive, and journalists are well equipped to dispel rumors through relevant and accurate reporting. News organizations and all workers supporting them are a lifeline for citizens whose health and safety relies on timely information.

The publication of news is a critical component of this country’s infrastructure, as recently emphasized by the federal government’s Cybersecurity and Infrastructure Agency. CISA released an advisory list of essential critical infrastructure workers on March 19 that included those who “support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting.”¹ We interpret this to also include all personnel directly involved with producing print news, including reporters, printers, and editors, as well as drivers and other workers directly involved in newspaper distribution.

While the CISA definition is advisory, at least 17 states have designated news and media as essential services during this pandemic.² In New England, Massachusetts Gov. Charlie Baker declared news organizations and all workers who support them exempt from his March 23 stay-at-home advisory.³ Connecticut Gov. Ned Lamont explicitly listed “news and media” among those exempt from his March 20

¹ <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>

² <https://www.newsmediaalliance.org/important-news-publishers-essential-during-pandemic/>

³ <https://www.mass.gov/doc/covid-19-essential-services/download>

executive order prohibiting in-person operations.⁴ When Vermont Gov. Phil Scott restricted public gatherings of more than 10 people on March 20, he made an exception for the press.⁵

Across the country, states are recognizing the critical public service provided by news organizations. We have little doubt that your administration will do the same. Still, if the time comes when you must take more drastic measures to contain COVID-19, we strongly suggest you do the following when categorizing news organizations as an essential business or public service:

- Provide a broad definition of news organizations to encompass all media being used by journalists. It is the practice of journalism that needs to be protected regardless of what specific medium is used for the news reporting.
- As Gov. Baker in Massachusetts did, make clear that *all* workers who support a news organization — including not just the journalists themselves but also delivery drivers and others involved in the news business — are exempt from any restrictions.
- Continue to provide the access reporters need to do their job. Even with reasonable precautions and social distancing procedures, there can and must be press presence at briefings and any governmental meeting that would normally be open to the public.

This is a challenging time for all those providing public services. Please let us know how we can be a resource to you and your staff as you continue the difficult task of leading Maine out of this pandemic.

On behalf of our organizations, thank you for your time and consideration.

Sincerely,

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⁴ <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7H.pdf?la=en>

⁵ <https://governor.vermont.gov/sites/scott/files/documents/ADDENDUM%204%20TO%20EXECUTIVE%20ORDER%2001-20.pdf>