



Written by [Michael Tennant](#) on April 6, 2020

Maine Sheriff Won't Stop Motorists to Enforce Governor's Latest Coronavirus Order

A Maine sheriff has vowed not to enforce his governor's unconstitutional stay-out-of-Maine order, which he considers totalitarian.

Governor Janet Mills "issued an executive order Friday mandating that anyone who comes to Maine, regardless of where they live, must self-quarantine for 14 days to help slow the spread of the new coronavirus infection" under penalty of up to six months in jail and a \$1,000 fine, reported the [Portland Press-Herald](#). The Democrat also shut down all lodging in the state, including hotels and campgrounds, and demanded that out-of-staters not travel to Maine if they are displaying symptoms of the virus or if they are coming from locales suffering from COVID-19 outbreaks.



Mills' edict did not sit well with Franklin County Sheriff Scott Nichols, a Republican, who posted a [defiant statement](#) on his department's Facebook page. "We will not be setting up a Police State. PERIOD," begins Nichols' missive.

"The Sheriff's Office will not purposefully go out and stop vehicles because they are on the road or stop and ask why people are out and about," he continued. "To do so puts our officers at risk. This is not Nazi Germany or Soviet Russia where you are asked for your papers!"

Sadly, much of America is exactly like that. Officials across the country have issued orders requiring people to stay home except for certain "essential" errands such as buying food or caring for elderly relatives — and backed those orders up with [threats of fines and jail time](#). People have been arrested for [attending parties](#), [going to public parks](#), or even [paddleboarding](#) in the ocean far from anyone else. Some officials, such as Los Angeles Mayor Eric Garcetti, have even gone so far as to [reward](#) people who turn in their neighbors for violating government decrees. Many businesses deemed essential, and thus allowed to continue operating, have taken to [issuing papers to their employees](#) so that, in the event they are stopped by police, they can prove they have a government-approved reason to be on the roads.

Nichols, however, is having none of it. As far as he is concerned, people are free to move about his county without the state's permission. This is, after all, [well-established constitutional law](#).

Nichols seems more concerned with encouraging people to take voluntary actions to stop the spread of the coronavirus. He asks the citizens he serves to take their own protective measures, to look out for others, to show compassion, and to "be kind[,] especially on social media."

Unfortunately, his willingness to defy unconstitutional orders has its limits. While he won't have his



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officers stopping people and demanding to know if they have state approval to be out and about, he says he “will take action on ... those rare situations where there are a lot of people overtly hanging out in public — obviously in defiance of the Governor’s order” because, after all, “we are sworn to uphold the Constitution and laws of the State — for any unlawful act/situation, arrestees will be taken into custody and transported for fingerprinting and bail.”

That assumes, of course, that the governor’s orders, one of which [forces “non-essential businesses” to close](#), constitute valid law under the federal and state constitutions. Yet both of those documents guarantee, among other things, that the government shall not infringe on people’s right to peaceably assemble; that it shall not deprive them of life, liberty, or property without due process of law; that everyone shall be treated equally before the law (which would seem to conflict with arbitrary decisions as to which businesses may or may not continue to operate); and that laws shall not impair contractual obligations (which would seem also to preclude shuttering otherwise legal businesses). Nothing in either document provides for the executive branch either to suspend these protections or to make new laws. The Maine constitution, in fact, specifically states that only “the Legislature or its authority” may suspend any laws.

It would appear, therefore, that while Nichols has made a good start in standing up for his constituents’ rights — and, to be fair, he claims he “will avoid arrests unless absolutely necessary,” preferring to “first educate and try to disperse the group” — he still has a long way to go.

Image: [Screenshot of franklincounty.maine.gov](#)



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