

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1183

H.P. 857

House of Representatives, March 12, 2019

**Resolve, To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Remote Participation by Members
of Public Bodies**

(EMERGENCY)

Reported by Representative BAILEY of Saco for the Joint Standing Committee on
Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph
G.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the Freedom of Access Act is silent as to whether members of public
4 bodies may participate in public proceedings while not physically present, thus providing
5 no guidance as to how remote participation can meet the government transparency and
6 accountability goals of the Act; and

7 **Whereas,** this resolve establishes the Study Committee on Remote Participation to
8 resolve questions concerning legal and accountable remote participation of members of
9 public bodies at all levels of government throughout the State; and

10 **Whereas,** the study must be initiated before the 90-day period expires in order that
11 the study may be completed and a report submitted in time for submission to the next
12 legislative session; and

13 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
14 the meaning of the Constitution of Maine and require the following legislation as
15 immediately necessary for the preservation of the public peace, health and safety; now,
16 therefore, be it

17 **Sec. 1. Study committee established. Resolved:** That the Study Committee
18 on Remote Participation, referred to in this resolve as "the study committee," is
19 established.

20 **Sec. 2. Study committee membership. Resolved:** That the study committee
21 consists of 7 members appointed as follows:

22 1. Three members of the Senate appointed by the President of the Senate, including
23 members from each of the 2 parties holding the largest number of seats in the Legislature;
24 and

25 2. Four members of the House of Representatives appointed by the Speaker of the
26 House, including members from each of the 2 parties holding the largest number of seats
27 in the Legislature.

28 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
29 chair and the first-named House of Representatives member is the House chair of the
30 study committee.

31 **Sec. 4. Appointments; convening of study committee. Resolved:** That all
32 appointments must be made no later than 30 days following the effective date of this
33 resolve. The appointing authorities shall notify the Executive Director of the Legislative
34 Council once all appointments have been completed. After appointment of all members,
35 the chairs shall call and convene the first meeting of the study committee. If 30 days or
36 more after the effective date of this resolve a majority of but not all appointments have
37 been made, the chairs may request authority and the Legislative Council may grant
38 authority for the study committee to meet and conduct its business.

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Sec. 5. Duties. Resolved: That the study committee shall:

- 1. Collect information about the current use of remote participation by members of public bodies in this State, including any policies public bodies have adopted to govern their use of remote participation. The study committee may hold a public hearing to gather public comments on whether the use of remote participation meets the public's needs for government accountability, public participation and government efficiency;
- 2. Review the use of remote participation, including any laws and policies governing such practices, in other jurisdictions;
- 3. Review the history and underlying goals of the Freedom of Access Act to determine the best way to guarantee government transparency and accountability when participation in public proceedings is conducted by members not physically present at the proceeding; and
- 4. Make recommendations concerning the use of remote participation, which may include prohibition of or limitation on the use of remote participation, including any guidance and best practices.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the study committee, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than December 4, 2019, the study committee shall submit to the Joint Standing Committee on Judiciary a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve establishes the Study Committee on Remote Participation to explore the use of remote participation by members of public bodies in this State and other jurisdictions and determine the best way to guarantee government transparency and accountability, goals of the Freedom of Access Act, when considering the use of remote participation. The study committee consists of 3 Senators and 4 members of the House of Representatives. The study committee may hold a public hearing to collect public testimony on the use of remote participation. The study committee is required to make recommendations, which may include prohibition of or limitations on the use of remote participation. The study committee is required to submit a report, including any legislative recommendations, to the Joint Standing Committee on Judiciary no later than December 4, 2019.