

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DMC
R. of S

Date: 4/8/16 Minority

(Filing No. H-660)

1
2
3
4
5
6
7
8

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION

9
10
11

COMMITTEE AMENDMENT "A" to H.P. 1077, L.D. 1586, Bill, "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation in Public Proceedings"

12
13

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

14

'Sec. 1. 1 MRSA §403-A is enacted to read:

15

§403-A. Remote participation in public proceedings

16
17
18
19
20
21
22
23

1. Written policy required; posted. A body subject to this subchapter may conduct a public proceeding in which one or more members participate remotely through telephonic, video, electronic or other similar means of communication only if the body first adopts a written policy that governs remote participation and that explicitly describes how the policy meets the principles of this subchapter. The body shall make the policy available on its publicly accessible website, if any, and shall post a copy of the policy at the site of the proceeding included in the notice under section 406 in which one or more members participate remotely.

24
25
26
27
28
29
30

2. Policy contents. The policy adopted under subsection 1 must address under what circumstances a member may participate remotely, whether a quorum is required to physically assemble, whether the body may conduct an executive session when a member is participating remotely, the regular, quasi-judicial or other proceedings in which a member participating remotely may vote and how the body will ensure that members of the public in attendance at the site of the proceeding included in the notice under section 406 can hear or see and hear the members who are participating remotely.

31
32
33
34

3. Policy provided to Public Access Ombudsman; review. A body shall submit a copy of the policy adopted under subsection 1 to the Public Access Ombudsman, appointed pursuant to Title 5, section 200-I, subsection 1, who shall make all the policies received available to the public and submit them annually to the advisory committee.'

COMMITTEE AMENDMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill, which restricts which public bodies may conduct public proceedings when one or more members are participating remotely through telephonic, video, electronic or other similar means of communication. Instead, this amendment provides that any body subject to the Freedom of Access Act may conduct a public proceeding in which one or more members participate remotely through telephonic, video, electronic or other similar means of communication, but only if the body first adopts a written policy that governs the remote participation and that explicitly describes how the policy meets the principles of the Freedom of Access Act. The policy must address under what circumstances a member may participate remotely, whether the body may conduct an executive session when a member is participating remotely, whether a quorum must physically assemble, the proceedings in which a member participating remotely may vote and how the body will ensure that members of the public in attendance at the site of the proceeding included in the notice can hear or see and hear the members who are participating remotely.

A body that adopts a remote participation policy must make the policy available on the body's publicly accessible website and must post a copy at the location of each meeting during which one or more members participate remotely.

A body that adopts a remote participation policy must send a copy of the policy to the Public Access Ombudsman, who will make all the policies received available to the public and submit them annually to the Right To Know Advisory Committee.

FISCAL NOTE REQUIRED

(See attached)



127th MAINE LEGISLATURE

LD 1586

LR 2610(02)

**An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning
Remote Participation in Public Proceedings**

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-6660)
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The Department of the Attorney General has indicated some limited legal work may be required from this bill, but any costs would be minor and can be absorbed within existing budgeted resources.