

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1322

H.P. 837

House of Representatives, March 23, 2023

**An Act to Implement the Recommendations of the Right To Know
Advisory Committee Concerning Remote Participation**

Reported by Representative MOONEN of Portland 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.

A handwritten signature in cursive script that reads "R(t) B. Hunt".

ROBERT B. HUNT
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 1 MRSA §403-B, sub-§2**, as amended by PL 2021, c. 611, §§1 and 2 and
3 c. 666, §§1 to 3, is further amended to read:

4 **2. Requirements.** A public body subject to this subchapter may allow members of
5 the body and the public to participate in a public proceeding using remote methods only
6 under the following conditions:

7 A. After notice and hearing the body has adopted a written policy governing the
8 conditions upon which members of the body and the public may participate in a public
9 proceeding of that body by remote methods.

10 (1) If a public body has not adopted a policy authorizing remote methods of
11 participation under this section and if the chair of the body determines that an
12 emergency or urgent issue exists that prevents the public body from meeting in
13 person to adopt a policy, the chair may call a meeting of the body in which the
14 members may participate by remote methods. Notice of the meeting must include
15 information about how the public can participate in the meeting and the proposed
16 policy or instructions on how to obtain a copy of the proposed policy in advance
17 of the meeting. Once the meeting is convened, the members shall vote on whether
18 to support the chair's determination that an emergency or urgent issue exists that
19 prevents the public body from meeting in person.

20 (2) If 2/3 of the members vote in support of the chair's determination under
21 subparagraph (1), after an opportunity for hearing, the members may vote on
22 whether to adopt a policy authorizing remote methods of participation in public
23 proceedings of the body under this section;

24 C. The policy adopted pursuant to paragraph A must provide members of the public a
25 meaningful opportunity to attend by remote methods when members of the body
26 participate by remote methods, and reasonable accommodations may be provided when
27 necessary to provide access to individuals with disabilities;

28 D. If the body allows or is required to provide an opportunity for public input during
29 the proceeding, an effective means of communication between the members of the
30 body and the public must be provided;

31 E. Notice of the proceeding must be provided in accordance with section 406. When
32 the public may attend by remote methods pursuant to paragraphs C and D, the notice
33 must include the means by which members of the public may access the proceeding
34 using remote methods. The notice must also identify a location for members of the
35 public to attend in person. The body may limit public attendance at a proceeding solely
36 to remote methods if there is an emergency or urgent situation that requires the body
37 to meet only by remote methods;

38 F. A member of the body who participates in a public proceeding by remote methods
39 is present for purposes of a quorum and voting;

40 G. All votes taken during a public proceeding using remote methods must be taken by
41 roll call vote that can be seen and heard if using video technology, and heard if using
42 only audio technology, by the other members of the public body and the public; and

1 H. The public body must make all documents and other materials considered by the
2 public body available, electronically or otherwise, to the public who attend by remote
3 methods to the same extent customarily available to members of the public who attend
4 the proceedings of the public body in person, as long as additional costs are not incurred
5 by the public body. The public body must make the proposed policy regarding remote
6 participation available in advance of the meeting if meeting remotely under paragraph
7 A, subparagraphs (1) and (2).

8 The policy adopted by a public body pursuant to this subsection applies to a board or
9 committee or subcommittee that is within the jurisdiction of the public body, unless the
10 board or committee or subcommittee adopts its own policy under this subsection. The
11 county commissioners of a county, the municipal officers of a municipality or the officers
12 of any regional or other political subdivision may adopt a policy pursuant to this subsection
13 that applies to all public bodies subject to this subchapter within the county, municipality
14 or regional or other political subdivision, unless the county commissioners, municipal
15 officers or other officers of any regional or other political subdivision specifically authorize
16 a public body within that county, municipality or regional or other political subdivision to
17 adopt its own policy. Nothing in this subsection limits the right of a school board to adopt
18 its own policy pursuant to this subsection.

19 SUMMARY

20 This bill implements the recommendations of the Right To Know Advisory Committee
21 by making the following changes to the law authorizing a public body to adopt a written
22 policy governing the conditions upon which members of the public body and the public
23 may participate in public proceedings using remote methods.

24 1. It adds additional language to reinforce the authority of a public body to allow not
25 only the members of the public body but also members of the public to participate in a
26 public proceeding by remote methods.

27 2. It clarifies that the county commissioners of a county, the municipal officers of a
28 municipality or the officers of a regional or other political subdivision may adopt one
29 remote participation policy that applies to all public bodies within the county, municipality
30 or regional or other political subdivision unless the county commissioners, municipal
31 officers or other officers of any regional or other political subdivision specifically authorize
32 an individual public body within that county, municipality or regional or other political
33 subdivision to adopt its own policy.