



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1971

H.P. 1466

House of Representatives, February 10, 2022

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

Reported by Representative HARNETT of Gardiner 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 "Robert 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, ¶A,** as enacted by PL 2021, c. 290, §1, is
3 amended to read:

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

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

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

20 **SUMMARY**

21 This bill implements the recommendations of the Right To Know Advisory Committee
22 concerning remote participation by members of a public body subject to the Freedom of
23 Access Act.

24 Current law does not authorize members of a public body to participate in a public
25 proceeding when not physically present unless the public body has properly adopted a
26 remote participation policy that meets the requirement of the Maine Revised Statutes, Title
27 1, section 403-B.

28 This bill authorizes a public body to adopt the required remote participation policy
29 through remote participation. The bill provides a 2-step process.

30 1. If the chair of the public body determines that an emergency or urgent issue exists
31 that prevents the public body from meeting in person, the chair may call a meeting of the
32 public body in which the members may participate by remote methods. Public notice of
33 the meeting must be provided and must include information about how the public can
34 participate in the meeting. Once the meeting is convened, the members must vote on
35 whether to support the chair's determination that an emergency or urgent issue exists that
36 prevents the public body from meeting in person.

37 2. If the members vote in support of the chair's determination, after an opportunity for
38 hearing, the members may vote on adopting a policy authorizing remote participation.