
MAINE LAND USE PLANNING COMMISSION

REMOTE PARTICIPATION POLICY STATEMENT¹

Adopted XXXXX

A. Purpose

The following serves as the Maine Land Use Planning Commission’s policy regarding public meetings conducted with or without remote participation. For the purposes of this policy, participation is described in three ways:

“In-person” is a means of participation or type of meeting that allows or otherwise accommodates for in-person interaction, meaning that the participants will be located within the same physical space.

“Remote” is a means of participation or type of meeting that is conducted through remote means, where individuals may participate by telephonic, video, electronic or other similar means of communication that allows an individual to participate in a meeting without being physically present. Remote technology which requires a social media account, specific membership, or software that must be purchased will not be employed as the sole method of attending remote meetings.

“Hybrid” is a means of participation or type of meeting where Commissioners, staff, or the public may participate either in-person or remotely.

As a matter of overall policy, the Commission affirms both the value of face to face interactions and the benefit of maximizing opportunities for public participation in its deliberations. Thus, the means adopted in this policy support a hybrid model that favors in-person participation at Commission meetings when feasible, within or near the Commission’s service area, in locations dictated by the issues before the Commission at any particular meeting, and supports technological innovation to encourage or otherwise facilitate public participation by the means of their choosing.

The Commission reserves the right to act in a manner that may vary from this document, consistent with its statute and regulations. Provisions of this document must not be construed to supersede or replace the statute, rules, or the Comprehensive Land Use Plan administered by the Commission.

This policy is authorized by and adopted pursuant to 1 M.R.S. § 403-B and 12 M.R.S. § 684.

¹ In the event the Commission adopts this or a similar policy, the “drafting notes” will not be included in the final policy; “drafting notes” are included herein are intended for explanatory purposes.

B. Participation

1. Remote Participation

Unless otherwise required or limited by the Constitution of Maine, statute, or the Commission's rules, the Commission, at the discretion of the Chair and Vice Chair, in consultation with the Director, may choose to conduct any public meeting entirely through remote means due to the existence of an emergency or urgent issue that requires the Commission to meet by remote methods. An "emergency" or "urgent issue" includes but is not limited to, significant weather events; unsafe travel conditions due to inclement weather; or due to an executive order of the Governor of the State of Maine, mandate of the Maine Legislature, or other credible and widespread concern regarding public health or safety.

2. Hybrid Participation

The Commission, at the discretion of the Chair and Vice Chair, in consultation with the Director, may choose to conduct any public meeting in a hybrid manner, pursuant to this policy, according to the following:

- a. Due to the geographic scope of the matter(s) to be addressed by the Commission;
- b. Due to the anticipated public involvement and related absence of suitable venues for in-person meeting or hearing;
- c. During public meetings or hearings conducted by the Commission, each Commissioner is expected to be physically present for public proceedings except when being physically present is not practicable. Circumstances in which physical presence for one or more members is not practicable may include:
 - (i) Concern based on individual health risks associated with in-person participation in public gatherings;
 - (ii) Illness, other physical condition or temporary absence that causes a Commission member to face significant difficulties traveling and attending in person;
 - (iii) A significant distance a Commission member must travel to be physically present at the meeting location; and
 - (iv) Geographic characteristics or travel conditions within the Commission's jurisdiction that impede or slow travel.

[Drafting Note: The following paragraph intends to address commissioner absence yet also ensure that proper notice and companion opportunities for members of the public can be achieved.]

Commissioners must notify the Chair and the Director in advance of the meeting of their absence and remote participation. Pursuant to 1 M.R.S. § 403-B(2)(e), a

Commissioner's remote participation may not be allowed if notice of a Commissioner's absence is provided less than forty-eight hours in advance.

C. General Provisions

The following apply to each meeting scheduled or carried out as a remote or hybrid meeting.

1. To the extent required by law or otherwise practicable, all other requirements, policies, and practices applicable to Commission meetings or Commission conducted public proceedings apply.
2. Each Commission member, the Director, and the Commission's legal counsel participating in the public proceeding must be able to hear and speak to all other members and members of the public must have a meaningful opportunity to attend the public proceeding. When any vote is taken by the Commission, all members of the public must be able to hear, if using only audio technology, or see and hear, if using both audio and video technology each Commissioner and any other speaker. Any member of the public needing and requesting special accommodation to access a public meeting or hearing should contact the Commission staff in advance of the meeting or hearing at (207) 287-2631 or by email at lupc@maine.gov. All reasonable requests will be considered but may be limited by practicality and agency resources.
3. A Commission member who is participating remotely is considered present, including but not limited to for the purposes of a quorum.
4. Votes: All votes taken during a public proceeding conducted through remote means must be taken by roll call vote.
5. A technical failure on the part of a person or a group of people that interrupts that person's or people's electronic or telephonic connection to the meeting or proceeding does not invalidate any action taken by the Commission within that meeting or proceeding.
6. Commission members and Commission staff participating in a public meeting or hearing conducted through remote means must not transmit as part of their video, any sign, logo, slogan, images, prop, or paraphernalia, except those that are commonly accepted DACF or LUPC logos or slogans, or as part of an appropriate presentation.
7. Public participation: To the maximum extent practicable, opportunities for public participation within any meeting conducted through remote means must be substantially equivalent to such opportunities within comparable in-person meetings.
[Drafting Note: The following two provisions serve to retain suitable order to remote and hybrid meetings or clarify the informal role of certain technological capabilities.]
8. Individuals wishing to offer questions or comments must be called upon by the Chair.

9. Comments and remarks included in a 'chat' or similar medium are not part of the meeting record unless recognized by the Chair or presiding officer.

[Drafting Note: The following intends to pre-identify and communicate measures to avoid and resolve disruptions that could occur during a remote or hybrid meeting.]

10. Disruption or Threat: Upon not less than two prior warnings, the Chair or presiding officer maintains the authority to uninvite, remove, or otherwise block any individual who repeatedly fails to be respectful of the proceeding or of any individual, who is repeatedly disruptive, or whose audio or video feed results in the transmission of inappropriate materials or information. Notwithstanding the prior provision, the Chair or presiding officer maintains the authority to:
 - a. uninvite, remove, or otherwise block any individual whose statements or actions are threatening in any way or otherwise unlawful, and
 - b. may require attendees to mute their microphones or turn off their camera, or direct staff to do so.

[Drafting Note: Pursuant to Commission suggestion, the following requires that meeting notices confirm when remote participation will not be available. Otherwise, this section responds to statutory requirements.]

D. Notice

1. Notice of each meeting or hearing conducted by the Commission must clearly indicate, either:
 - a. the location where the meeting or hearing can be attended in-person, and either identify the means by which members of the public may participate through remote means, or confirm that remote participation will not be available; or
 - b. identify the means by which all individuals may participate through remote means.
2. Except as limited by law, any public meeting or hearing conducted by the Maine Land Use Planning Commission may be scheduled or rescheduled, or the venue changed to be conducted through hybrid or remote means as needed, provided notice of any change in venue or means of participation (*e.g.*, from in-person to only remote) is provided as soon as possible, and through the Commission's GovDelivery system. In all instances, the applicable information must also be posted on the Commission's calendar webpage (www.maine.gov/dacf/lupc/about/calendar/index.shtml).