

Board Member Remote Participation Policy

POLICY: In accordance with 1 M.R.S. § 403-B, it is the policy of the Board of Pesticides Control (“Board”) to allow Board members to participate remotely using synchronous telephonic or video technology allowing simultaneous reception and exchange of information pursuant to this policy.

1. It is an expectation that all members of the Board will be physically present for public proceedings conducted by the Board except when being physically present is not practicable.
2. Circumstances in which the physical presence of one or more of the members of the Board is not practicable include:
 - A. The existence of an emergency or urgent issue that requires the Board to meet by remote methods. The existence of an emergency or urgent issue under this subsection shall be determined by the Board Chair, or if the Chair is unavailable, by the Director. An “emergency” or “urgent issue” includes but is not limited to:
 1. A declaration of emergency issued by the Governor of the State of Maine or the President of the United States; and
 2. Conduct or condition of a licensee of the Board that places the health or physical safety of any person in immediate jeopardy.
 - B. Illness or other physical condition as determined by the individual Board member that causes the member to face significant difficulties to travel to or attend the public Board proceeding.
 - C. Temporary absence from the State that would cause the Board member to face significant difficulties traveling to and attending the public Board proceeding in person as determined by the individual Board member.
 - D. Whenever a member of the Board has to travel a significant distance to be physically present at the public Board proceeding. “Significant distance” means any distance that is more than 50 miles from the Board’s offices in Augusta, Maine.
 - E. Whenever there are geographic characteristics or meteorological conditions that impede safety or slow travel, including but not limited to islands not connected by bridges or significant weather events such as hurricanes, snowstorms, ice storms or nor’easters. The existence of geographic characteristics or meteorological conditions that impede safety or slow travel under this subsection shall be determined by the Board Chair, or if the Chair is unavailable, by the Director.
3. The Board shall provide members of the public a meaningful opportunity to attend a public proceeding of the Board by remote means whenever members of the Board participate by remote methods or when necessary to provide reasonable accommodation and access to individuals with

disabilities. Any member of the public needing and requesting accommodation to access a public Board proceeding should contact Board staff via the main phone line at (207)287-2731 or pesticides@maine.gov.

4. Whenever the Board is scheduled to allow or required to provide an opportunity for public input during a public Board proceeding, the Board shall provide an effective means of communication between the members of the Board and the public.

5. Whenever a member of the Board will be participating remotely, the Board's notice of the public Board proceeding will include the means by which members of the public may access the proceeding remotely and identify a physical location for members of the public to attend in person. The Board may not limit the public's ability to attend a public proceeding in person except during the existence of an emergency or urgent issue or there are geographic characteristics or meteorological conditions that impede safety or slow travel that requires the Board to meet by remote methods.

6. A member of the Board who participates remotely in a public Board proceeding is present for purposes of a quorum and voting.

7. All votes taken by the Board during a public Board proceeding using remote methods for participation by any Board member must be taken by roll call vote that can be seen and heard if using video technology, and heard if using audio only technology, by the other members of the Board and the public.

8. The Board shall make all non-confidential documents and other materials, electronic or otherwise, considered by it during a public proceeding available to the public who attend by remote means to the same extent customarily available to members of the public who attend Board public proceedings in person so long as no additional costs are incurred by the Board.

9. For purposes of adjudicatory hearings held under 5 M.R.S. §§ 9051-9064, only Board members who participate via video methods that allows the parties to the proceeding the ability to view the remotely participating member will be allowed to participate in the proceeding.

10. Nothing in this policy is intended to be a rule subject to the provisions of 5 M.R.S. §§ 8051-8074, and this policy may be subsequently amended by simple majority vote of those present and voting once quorum is achieved.

EFFECTIVE DATE: