

BYLAWS
OF
THE MAINE RECOVERY COUNCIL

ARTICLE I
GENERAL

Section 1.1. Name. The name of the entity is the MAINE RECOVERY COUNCIL

Section 1.2. Location of Council. The Maine Recovery Council (“the Council”) shall conduct its work throughout the state of Maine and its administration will be located within the Office of the Attorney General of Maine (“the Maine Attorney General’s Office”).

Section 1.3. Clerk. The Clerk of the Council will be an attorney or employee of the Maine Attorney General’s Office. The person designated as the Clerk may be changed from time to time by the Chair of the Council.

ARTICLE II
PURPOSES AND NONDISCRIMINATION

Section 2.1. General Purposes. The Council is organized pursuant to (i) the Maine State-Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds, dated January 26, 2022, as amended on June 13, 2022 and as may be further amended from time to time (the “State-Subdivision MOU” or “MOU”), which was made part of Consent Judgments ordered by the Maine Superior Court in Kennebec County on June 14, 2022¹ and (ii) Public Law 2021, c. 661. The Council shall operate to direct the disbursement of funds allocated to the Maine Recovery Fund by court order or any other source for opioid abatement purposes on a statewide basis for the uses allowed in the State-Subdivision MOU.

Without limiting the generality of the foregoing purposes, the Council’s distribution of funds shall be structured to supplement, and not supplant, directly or indirectly, the activities of federal, state, and local governments, private foundations, public charities, or other entities. Such activities include but are not limited to providing funds for approved opioid abatement activities or services, facilitating collaboration and planning among the state, subdivisions, and stakeholders for any purpose related to

¹ The Consent Judgments were ordered entered in two cases, State of Maine v. McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (Docket No. CV-22-113) and State of Maine v. Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (Docket No. CV-22-114).

opioid abatement, and collecting and sharing data, outcomes, strategies, and other relevant information related to abating the opioid crisis in Maine.

In furtherance of its stated purposes the Council shall seek opportunities to collaborate with non-governmental organizations or with governmental entities.

Section 2.2. Assessment of Needs. In order to determine the best use of the assets of the Maine Recovery Fund, the Council shall complete a statewide opioid abatement needs assessment no less frequently than every two (2) years, incorporating, where appropriate, existing assessments that were performed within the last two years. The Council shall consult with stakeholders and the public on the methodology, findings and conclusions of any needs assessment.

Section 2.3. Powers. The Council's powers and scope shall be controlled by the terms of the MOU and any Settlement or Consent Judgment entered by a court of competent jurisdiction which includes the MOU, and it shall not stray outside the bounds of the authority and power vested by the MOU and any such Settlement.

Section 2.4. Transparency and Public Information and Data. The Council shall operate with all reasonable transparency and in compliance with Maine's Freedom of Access Act, 1 M.R.S.A. §§ 401 et seq. ("FOAA"). The Council shall work to increase public access to and awareness of information and data about opioid abatement activities in Maine, including its own activities and that of other governmental organizations, private foundations, or nonprofit entities. The Council will do so by, among other actions, developing, maintaining, or improving a centralized public dashboard or public repository of expenditure data from any party that receives Recovery Funds, and may require outcome-related data from such parties. The Council will make every effort to use existing state resources for funding the public dashboard or repository.

Section 2.5. Dissolution. If the Council is dissolved or its legal existence terminated or upon final distribution of the Recovery Fund's assets, the Council shall provide prior notice of its final distribution and its plan of dissolution not less than 90 days prior to such distribution to the Maine Attorney General, the Maine Superior Court, and to the joint standing committee of the Maine Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters. The Council shall make reasonable efforts to make available to the Attorney General its documents, files, and any public dashboard or repository of expenditure and outcomes data and information.

Section 2.6. Nondiscrimination. The Council shall not discriminate on the basis of age, race, religion, color, creed, sex, physical or mental disability, sexual orientation, or national origin: (i) in the persons served, or in the manner of service; or (ii) in any of its work; or (iii) in the hiring, assignment, promotion, salary determination, or other conditions of staff employment. Because the Council serves the public in part through making grants to other organizations, in order to ensure that the Council does not discriminate in the persons served or in the manner of service, the Council must ensure that recipients of grant funds maintain equivalent nondiscrimination policies and

practices, which must include policies establishing the recipient as an equal opportunity employer which does not discriminate on the basis of age, race, religion, color, creed, sex, physical or mental disability, sexual orientation, or national origin in the hiring, assignment, promotion, salary determination, or other conditions of staff employment.

ARTICLE III
COUNCIL MEMBERS

Section 3.1. Management by Council. The affairs of the Council shall be managed by its Council Members, which may exercise all powers of the Council and do all lawful acts and things necessary or appropriate to carry out the purposes of the Council.

Section 3.2. Council Members' Term of Office. Each Council Member shall serve for the term of office specified in the MOU by which such Council Member was appointed until their successor is duly appointed and is sworn in to office as a Council Member, unless they sooner resign.

Section 3.3. Vacancies. In the event of a vacancy the Clerk shall give written notice of the vacancy to the appointing authority of that Member as soon as reasonably practical.

Section 3.4. Resignation. Any Council Member may resign at any time by giving written notice to the Chair of the Council and to the Clerk. Such resignation shall take effect on the date of receipt or at any later time specified therein.

Section 3.5. Compensation. Council Members as such shall not receive any stated salaries for their services, but the reasonable expenses of attendance, if any may be allowed for attendance at each regular or special meeting of the Council or any of its committees.

ARTICLE IV
MEETINGS

Section 4.1. Annual Meeting. Except in the year 2023, the first meeting of the calendar year shall include electing officers of the Council, and the transaction of such other business as may come before the meeting. The first meeting each year (the "Annual Meeting") shall be held at such time and place as shall be designated by the Council; provided, however, that the Annual meeting shall be open to the public and shall be held at such time and in such a place that members of the public of the State of Maine may reasonably attend if they wish.

Section 4.2. Regular Meetings. The Council shall meet at least twice annually in a public place. Meetings of the Council may be held on such notice as complies with this section and Maine's FOAA and at such time and at such place as may from time to time be determined by the Council. All regular meetings of the Council shall be open to the public, and at least one meeting each year shall include a public forum through which the Council can receive input from stakeholders and the public.

Section 4.3. Special Meetings. Special meetings of the Council may be called by the Chair on their own motion or upon written request of a majority of the Council Members, and held not less than fourteen (14) nor more than thirty (30) days after such notice is given to each Council Member, either personally, by mail, by email, or by telephone. The Council shall provide prior notice of all special meetings in accordance with Maine's FOAA and these Bylaws. All special meetings of the Council shall be open to the public

Section 4.4. Waiver. Whenever under the provisions of applicable law, the MOU or these Bylaws notice is required to be given to any Council Member, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. Attendance of a Council Member at any meeting shall constitute a waiver of notice of such meeting, except when a Council Member attends for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Council need be specified in the notice or waiver of notice of such meeting unless required by law or these Bylaws.

Section 4.5. Remote Meetings. The Council may hold a meeting by entirely or partially remote participation solely pursuant to the Remote Meeting Policy adopted by the Council in a public meeting in compliance with Maine's FOAA. Notice of such meetings shall be provided in the same manner as all other Council meetings.

Section 4.6 Notice of Meetings. Public notice ~~shall be given of all meetings of 3 or more Council Members.~~ Notice of all meetings shall be made in such a manner as to comply with Maine's FOAA, 1 M.R.S.A. § 400 et seq. Such notice shall be reasonably calculated to notify statewide i) members of the general public, ii) potential stakeholders in the Council's work, and iii) those who made timely requests to the Council for notice. Potential stakeholders shall include individuals with lived experience of opioid addiction, especially those within areas or populations which are underserved or disadvantaged by current opioid abatement services, as established by data and other information. Notice shall be given sufficiently in advance of all meetings to allow for public attendance at the meeting.

Section 4.7. Manner of Acting. the Council shall act by consensus. In the event consensus cannot be achieved, the Council shall make decisions by a three-fifths (3/5) vote of its members present in person or by remote method in compliance with the Remote Meeting Policy at any duly called and held meeting of the Council at which a quorum is present. Each Council Member shall have one (1) vote.

Section 4.8. Quorum. A majority of the Council Members shall constitute a quorum for the transaction of business. If a quorum is not present at any meeting of the Council Members, the Council Members present thereafter may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present. At such adjourned meeting at which a quorum shall be present, any business shall be transacted which might have been transacted at the meeting as originally notified.

Section 4.9. Conduct of Meeting; Record of Meetings. The Chair of the Council, or in their absence the Vice Chair, or in their absence the Treasurer, or in their absence the Secretary, or in their absence any Council Member chosen by the Members present, shall call meetings of the Council to order and shall act as the presiding officer for the meeting. The Secretary, or if they do not participate in the meeting, one of the Members designated by the Council participating in the meeting, shall be responsible for ensuring that a record of the meeting is kept and that such a record is made public upon approval of the record by the Council.

Section 4.10. Executive Sessions. Notwithstanding the requirements of this Article IV to conduct public meetings, the Council may meet in executive session to conduct business that the Council determines, by a public, recorded vote of at least three-fifths (3/5) of the Council Members present at any meeting, is appropriately conducted in executive session according to the guidelines below. The Council may conduct an executive session to discuss: (1) any matter that could be discussed in executive session under Maine's FOAA, 1 M.R.S.A. § 400 et seq.; and (2) any matter in which a person or entity other than the Council has a recognized privacy concern, including but not limited to: (a) discussions of grant proposals pending approval or rejection; and (b) personnel issues. Any motion to initiate an executive session shall be recorded in the minutes and shall indicate the precise nature of the business to be discussed in such executive session and include a citation to one or more sources of statutory or other authority that permits an executive session for that business. Any final vote on a matter discussed during executive session shall be taken after conclusion of the session, and shall be recorded in the minutes.

ARTICLE V OFFICERS

Section 5.1. Officers. The officers of the Council shall be a Chair, a Vice Chair, a Treasurer and a Secretary and such other officers as the Council may from time to time designate.

Section 5.2. Other Officers. The Council may appoint such other officers as it shall deem necessary. Such officers shall hold their offices until the next Annual Meeting and shall exercise such powers and perform such duties as shall be determined from time to time by the Council.

Section 5.3. Term of Officers. The officers of the Council shall hold office until the earlier of i) their successors shall have been elected by the Council; or ii) the effective date of such officer's resignation or removal. Any officer elected by the Council may be removed with or without cause at any time by an affirmative vote of three-fifths (3/5) of the Council. Any vacancy occurring in any office of the Council shall be filled by vote of the Council Members.

Section 5.4. Chair. The Chair of the Council shall be elected from among the Members of the Council and shall, when present, chair all meetings of the Council. They shall inform themselves concerning all affairs of the Council and see that the duties of the officers of the Council are properly discharged; that the Bylaws of the Council are

observed; and that all statements and reports by the Council itself required by law are made; and they shall assume such share in the management of the Council's business as the Council Members may determine. The Chair shall appoint such committees as they deem necessary, subject to the approval of the Council. The Chair shall perform all duties incident to the office of the Chair.

Section 5.5. Vice Chair. The Vice Chair shall be elected from among the Members of the Council. The Vice Chair shall perform such duties as are assigned to them by the Chair and the Council. In the absence of the Chair, the Vice Chair shall perform the duties of the office of Chair.

Section 5.6. Treasurer. The Treasurer shall be elected from among the members of the Council. The Treasurer shall render to the Chair and the Council at its regular meetings or when the Council Members shall require, an account of the Recovery Fund's financial transactions and of the financial condition of the Recovery Fund. The Treasurer shall chair the Finance Committee, assist in the preparation of the budget, and perform such other duties as from time to time may be assigned by the Council.

Section 5.7. Secretary. The Secretary shall be elected from among the members of the Council and shall record, or cause to be recorded, all of the Council's proceedings in a book kept for that purpose. They may give, or cause to be given, notice of all Council meetings and shall perform such other duties as may be prescribed by the Council or by the Chair. The Secretary may certify all votes, resolutions and actions of the Council. The Secretary shall in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Council.

ARTICLE VI COMMITTEES

Section 6.1. Committees. In addition to the standing committees described under this Article VI, the Council may establish such committees as it deems appropriate to assist and recommend in the management of the Council.

Section 6.2. Composition. Except as otherwise provided herein, committees shall consist of at least three (3) Council Members, one of whom shall be the chairperson of such committee. The Chair of the Council shall annually appoint the members of each committee, subject to the approval by the Council Members, unless the Council specifies by resolution an alternative method of naming members of the committees. In appointing committee members, the chair shall take into consideration the diverse interests represented in the Council.

Section 6.3. Executive Committee. The Executive Committee shall be comprised of the Chair, the Vice Chair, the Treasurer and the Secretary and such additional Council Members, up to three (3) in number, as determined by the Chair, with the approval of the Council. The Chair of the Council shall serve as the chairperson of the Executive Committee. The Executive Committee shall meet on the call of the Chair or at the request of any two (2) Members of the Executive Committee. The Executive Committee

shall have the authority of the Council for the management of the Council between meetings of the Council, except as it may be limited by the resolutions of the Council, and except that the Executive Committee shall have no authority to elect officers or to enter into any transaction or activity which it knows to be contrary to the wishes of the Council.

Section 6.4. Governance Committee. The Governance Committee shall be comprised of at least three (3) Council Members. The Governance Committee shall solicit from the Council, prepare and submit recommendations to the Council for election at the Annual Meeting a slate of nominees for officers of the Council. Such slate of nominees shall be submitted to the Council at least thirty (30) days prior to the date of the Annual Meeting of the Council. [In the event of a vacancy in any office of the Council the Governance Committee will solicit recommendations from the Council and prepare and submit a slate of nominees for that office at the next Council meeting, until either the vacancy is filled or the Council votes to leave the office vacant until the next Annual Meeting.](#)

Section 6.5. Finance Committee. The Finance Committee shall be comprised of the Treasurer of the Council, who shall serve as its chairperson, and such other Council Members and such other persons as the Chair may appoint, subject to the approval by the Council. The Finance Committee shall review the annual budget.

Section 6.6. Program/Grants Committee. The Program/Grants Committee shall monitor the administration of all program activities of the Council and shall provide recommendations to the Council Members with respect to grant-making activities.

Section 6.7. Other Committees. The Council Members, by resolution adopted by three-fifths (3/5) of the full Council, may designate and appoint one (1) or more committees for such terms and purposes as the Council deems appropriate. Each such committee shall only have such powers as specifically delegated to the committee by said resolution, and members of such committees shall be removed with or without cause whenever it is determined by the Council to be in the best interest of the Council.

Section 6.8. Terms of Committee Members. Unless another or different term is specified at the time of election or appointment to a committee, the election or appointment to any committee of the Council shall continue to the next following Annual Meeting of the Council.

ARTICLE VII CONFLICT OF INTEREST

Section 7.1. Conflicts of Interest; Policy and Obligations. The Council in this Article establishes a policy and obligations of its Members regarding conflicts of interest as follows:

- A. Because the Maine Recovery Council is intentionally comprised of individuals who are well informed by and deeply engaged in the issues and populations to be supported by its work; and
- B. Because the Recovery Council is required by Section III of the agreements titled i) Maine State-Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds, originally dated January 26, 2022, and ii) Maine State-

Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds-2023, originally dated May 2, 2023, as each may be amended from time to time (the “MOUs”), to draft appropriate conflict of interest provisions and to operate with all reasonable transparency; and

- C. Because the MOUs provide that Council Members have the authority to direct the disbursement of the Maine Recovery Fund for recovery purposes on a statewide basis for the uses allowed by the MOUs;
- D. The Council therefore establishes in this Article its policy to ensure that it does not create actual or perceived situations of conflict of interest for its Members.

Section 7.2. Conflicts of Interest; Financial Disclosure Statements.

- A. The following definitions apply to this Article:
 - 1. "Conflict of interest" means receiving a direct personal benefit from the activities of the Recovery Council or serving as an owner, employee, contractor, volunteer, or board member for an organization applying for support from the Council.
 - 2. "Participate in his or her official capacity" means to take part in reaching a decision or recommendation in a proceeding that is within the authority of the position the Council Member holds.
 - 3. "Proceeding" means a proceeding, application, request, determination, award, contract, or other matter relating to Council action or inaction.
- B. Each Member shall endeavor to avoid a conflict of interest as well as the appearance of a conflict of interest by disclosure and abstention. A Member shall disclose immediately to the Chair any conflict of interest and any potential conflict of interest within the meaning of this Article, including if previously disclosed in a financial disclosure statement pursuant to Section 7.3. A Member may disclose to the Chair any potential conflict of interest of another Council Member. Members must neither use nor appear to use their position for personal or professional gain or to promote the solicitations of their affiliated organizations. However, because situations of dual interest may occur due to the nature of the composition of the Council Members, every Member must be mindful of actual and potential conflicts of interest or the appearance thereof. Timely disclosure and candid discussions are critical to minimize the likelihood that a Member’s affiliation with other public, private or governmental organizations will be perceived as conflicting or promoting undue influence.
- C. When a potential conflict of interest of a Council Member or their spouse or dependent children has been identified, the Member involved shall answer any questions from the full Council Members concerning the nature of the potential conflict of interest, and shall disclose all material facts. After responding to any questions, (i) the Council Member involved may elect to self-recuse as described in this paragraph from any further Council activities regarding the potential conflict or (ii) the remaining Members of the full Council shall, by a vote, determine after disclosure whether a conflict of interest exists. If it is determined that there is a conflict of interest, the Council Member shall not be present during discussion about or voting on the grant, distribution, or contract, and shall not vote on the matter or be counted for the purposes of Section 4.7 of these Bylaws. The affected Council Member shall not exert personal influence to affect the Council’s decision, and shall not be counted in determining whether a quorum exists for the vote.

- D. A Member of the Council or a spouse or dependent child of the Member may not solicit or receive any direct personal benefit, including compensation, a gift, or otherwise, from the activities of the Council, and when such solicitation or receipt has or would occur, the Council may not engage in such activities. In the event the Council determines a conflict of interest exists pursuant to subsection C herein, this section does not prohibit entities for which a Member or the Member's spouse or dependent child is an owner, employee, contractor, volunteer, or board member from participating in program activities with the Council if the Member abstains from voting on matters relating to the entity's participation including application to, consideration by, and the decision of, the Council to accept such participation in program activities.
- E. The Council is prohibited from entering into a contract with, making a distribution to, or expending Recovery Funds for the benefit of, any entity if a Member personally participates in his or her official capacity in any proceeding in which any of the following have a conflict of interest:
 - 1. The Member or their spouse or dependent children;
 - 2. The business partners of the Member;
 - 3. A person or organization with whom the Member is negotiating or has agreed to an arrangement concerning prospective employment;
 - 4. An organization in which the Member has a direct personal interest; or
 - 5. A person with whom the Member has been associated as a partner or a fellow shareholder in a professional service corporation pursuant to Title 13, chapter 22-A of Maine's Revised Statutes, during the preceding year.
- F. Upon investigation by the Executive Committee of the Council, excluding the affected Council Member, and a finding by the Executive Committee of a violation of subsection E of this Section 7.2, the Council shall immediately terminate any such grant, distribution, or contract and shall require the payee to return all unexpended payments from the Recovery Fund. The Council shall require all forms of grant, distribution, or contract to include explicit agreement by the payee that, upon a finding by the Council's Executive Committee of a violation of subsection E of this Section 7.2, the payee agrees the grant, distribution, or contract is cancelled and void and the payee further agrees to return immediately all unexpended payments from the Recovery Fund.
- G. All applications for grants or other distributions of Recovery Funds, and all proposals to provide services to the Council as a vendor or contractor, (the "applicants" and the "applications") shall identify, at the time of the application, all current or former Council Members, or vendors or contractors to the Council:
 - 1. to whom, or to the Member's, vendor's, or contractor's spouse or dependent child, the applicant currently provides a direct personal benefit; and
 - 2. to whom, or to the Member's, vendor's, or contractor's spouse or dependent child, the applicant provided a direct personal benefit in the prior 12 months. For each current or former Council Member identified, the application shall describe the specific benefits provided.
- H. In meetings for which minutes or summaries are produced, whenever a potential conflict of interest is disclosed, discussed, considered, or acted upon, the minutes/summary of the meeting shall thoroughly document all actions taken with

respect to any declared conflict. The minutes/summary should document the name of the Member who disclosed the conflict, the nature of the conflict, that the affected individual absented themselves from the meeting for any vote or decision, and all relevant discussion and actions that occur in that individual's absence.

- I. The Council shall ensure that all contracts with vendors or contractors to provide services to the Council include provisions to avoid and remedy conflicts of interest between the Council's work and the vendor or contractor, which provisions shall include disclosure and recusal requirements designed to meet the objectives of this Article.

Section 7.3. Conflicts of Interest; Financial Disclosure Statements.

- A. Each Council Member shall annually submit to the Chair or the Chair's designee a financial disclosure statement in the form used by the Commission on Governmental Ethics and Election Practices for reporting as required by 5 M.R.S.A. § 19. If a Member is required by 5 M.R.S.A. § 19 to file a statement to the Commission on Governmental Ethics and Election Practices, that statement as filed, including any updated filing, shall be submitted to the Chair to satisfy the requirement of this subsection A. The Council may take into consideration any rules adopted or amended pursuant to 5 M.R.S.A. § 19 (5).
- B. Each Council Member shall submit an initial statement within the sooner of 30 days of initial appointment to the Council or prior to being sworn in as a Council Member. Otherwise, each Member shall submit the annual statement at any time after January 1 and no later than April 16th of each year unless that Member has submitted an initial or updating statement during the preceding 30 days. The Council may align the submission deadline with any date proscribed by 5 M.R.S.A. § 19 for filing such statements with the Commission on Governmental Ethics and Election Practices provided, however, that i) such submission deadline shall be no later than the day following the deadline for filing with the Commission, and ii) the Council must require submission of the financial disclosure statement annually.
- C. A Council Member shall submit an updated statement concerning the current calendar year if the income, reportable liabilities or positions of the Member or an immediate family member, excluding dependent children, substantially change from those disclosed in the Member's most recent statement. Substantial changes include, but are not limited to, a new employer that has paid the Member or immediate family member, excluding dependent children, \$2,000 or more during the current year, another source that has provided the Member with income that totals \$2,000 or more during the current year or the acceptance of a new position with a for-profit or nonprofit firm that is reportable under 5 M.R.S.A. § 19(2)(Q). The Member shall submit the updated statement within 30 days of the substantial change in income, reportable liabilities or positions.
- D. A Council Member who has not complied with this Article may neither vote on any matter before the Council nor be counted for purposes of establishing a quorum.
- E. A Council Member whose membership on the Council has terminated shall submit a statement of finances as described in subsection A relating to the final calendar year of the membership within 45 days following the termination of membership.
- F. As is the case for financial statements filed pursuant to 5 M.R.S.A. § 19, statements submitted under this Article are public records. For so long as financial statements

are required by 5 M.R.S.A. § 19 to be placed on a publicly accessible website, the financial statements of Council Members shall be available upon request from the Office of the Attorney General. The Council may, in the alternative, work with the Commission on Governmental Ethics and Election Practices to arrange for financial statements to be available on the same website on which the Commission makes available statements filed pursuant to 5 M.R.S.A. § 19. If a Council Member fails to submit a financial statement by any deadline herein, such failure shall be identified on any such website until such time as the Council Member submits the financial statement.

ARTICLE VIII
MISCELLANEOUS

Section 8.1. Amendments. Except as otherwise provided herein, these Bylaws may be amended or repealed or new Bylaws adopted by the Council at a meeting or special meeting, upon receiving the favorable vote of three-fifths (3/5) of the Members then in office; provided that the notice of the meeting and of the substance of the proposed change to the Bylaws is given in accordance with the procedures and time requirements specified in these Bylaws; and further provided that the Bylaws may not be amended in such a way as to cause the Council to violate state law or the terms of any Memorandum of Understanding which governs the Council and its work, or any legal settlement or court order, including in any bankruptcy proceeding, which applies to any portion of the Maine Recovery Fund.

Section 8.2. Notice. Whenever, under the provisions of any statutes or these Bylaws, notice is required to be given to any Council Member or to the Maine Attorney General, such notice must be given in writing by personal delivery, by mail or other delivery service such as Federal Express, by email, or by telephone, addressed to such Member or to the Attorney General as the case may be, at their address or email address as it appears on the records of the Council, with postage or other delivery fees prepaid, or at their telephone number as it appears on the records of the Council. Notice by mail shall be deemed to be given at the time it is deposited in the United States Mail.

Section 8.3 Council Communications. Pursuant to Section 2.4 of these Bylaws, Council Members shall comply with FOAA in their communications regarding the business or affairs of the Council or the Maine Recovery Fund. Unless the Council members are provided with state email addresses for their term in office, Council Members shall endeavor to copy all such email communications to the Council's official email address, info.recoverycouncil@maine.gov or subsequent email address. Otherwise, Council Members shall use their official state email for such email communications.

Section 8.4 Public Access to Information. Pursuant to Section 2.4 of these Bylaws, except as made confidential by law, the Council shall make all records in the Council's possession or in the possession of the Office of the Attorney General available to the public for inspection and copying. The Council or the Office of the Attorney General shall keep confidential only those records that are confidential pursuant to FOAA, 1 M.R.S.A § 400 et seq. At reasonable times and locations, the Council or the Office of the Attorney General shall provide facilities for the inspection of public records. The Office of the Attorney General may

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charge reasonable fees to cover the costs of copying and fees to cover the actual cost of searching for, retrieving, and compiling requested public records. Payment must be made to the Maine Recovery Fund and must be paid prior to the Council or the Office of the Attorney General releasing the copies, unless the Office of the Attorney General elects to bill the person requesting the copies.

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I certify that the foregoing Bylaws of Maine Recovery Council were approved and adopted for the Council by its Members by a vote of the Members on September 14, 2023, and that they are currently in effect.

Elizabeth Fitzgerald
Secretary, Maine Recovery Council

Date: