

DRAFT
Maine Recovery Council Remote Meeting Policy
(November ____, 2022)

INTRODUCTION AND PURPOSE: Except as otherwise provided by law, all meetings of the Maine Recovery Council (Council) are open to the public and members of the public are permitted to attend.

This Remote Meeting Policy (“Policy”) governs the conditions upon which members of the Council and the public may participate in a public meeting of the Council by remote methods. Pursuant to this Policy, the Council may allow remote methods of participation in its public meetings in accordance with 1 M.R.S. § 403-B.

1. Council member expectations. Council members are expected to be physically present for Council meetings except when circumstances and conditions exist under which remote participation is permissible. Except as permitted by this Policy, only those Council members who are physically present at the physical location of a Council meeting may participate in the meeting.
2. Circumstances and conditions under which remote participation is permissible.
 - a. Meeting is fully remote due to emergency or urgent situation.
 - i. If the Council Chair, in his or her sole discretion, determines that an emergency or urgent situation exists, then meetings of the Council may be conducted solely by remote methods.
 - ii. For purposes of this policy, “remote methods” means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.
 - iii. An “emergency or urgent situation” includes but is not limited to: inclement weather, a disaster or catastrophe caused by either natural or man-made causes, or a public health emergency (including, but not limited to an epidemic or pandemic).
 - iv. The determination of such an emergency or urgent situation shall be made as soon as practicable, and notice of a meeting being conducted solely by remote means shall be disseminated consistent with 1 M.R.S. § 406, as may be amended, and this Policy.
 - b. Physical presence of Council member is not practicable. A Council member may participate in an in-person Council meeting from a remote location under the following circumstances:

- i. The Council member has an illness or other physical or mental condition that causes the member to face significant difficulties traveling to and attending the Council meeting or that is contagious and would pose a substantial health risk to others if the Council member attended in person;
- ii. The Council member must travel a significant distance to be physically present at the in-person location in the notice under 1 M.R.S. § 406; or
- iii. As a reasonable accommodation to a member with a disability.

A determination that the physical presence of the Council member seeking to participate remotely is not practicable will be made by the Council Chair in consultation with the impacted Council member.

3. Responsibilities of Council members who participate remotely. Any Council member who wishes to participate remotely must:
 - a. Notify the Council Chair in writing not later than five (5) business days before the meeting, where possible, that physical presence of the Council member is not practicable and the reason.
 - b. Have the technology, including internet access, in their remote location sufficient to be seen and heard during the meeting and participate in the same capacity as those members physically present and be responsible for any costs associated with obtaining and maintaining the technology and equipment necessary to participate remotely.

In the event that technical difficulties preclude any member of the Council from participating remotely in a meaningful way, then the Council Chair shall determine whether the member may continue to participate remotely.

4. Form of remote participation. When one or more Council members will be participating remotely or when the Council will be conducting a fully remote meeting, the Council will schedule a meeting using an internet-based virtual meeting platform (e.g., Zoom) that provides simultaneous audio and video reception for all participants.
5. Procedures applicable when Council members participate remotely.
 - a. A member of the Council who participates from a remote location in accordance with this Policy is present for purposes of a quorum and voting.

- b. All votes taken by the Council during any meeting at which a Council member participates from a remote location must be taken by roll call vote that can be seen and heard by the other members of the Council and the public.

6. Public Access to Meetings.

- a. The Council shall identify and provide members of the public a meaningful opportunity to attend meetings remotely when the Council meets either fully remotely due to an emergency or urgent situation pursuant to paragraph 2(a) of this Policy or whenever any member of the Council participates by remote methods.
- b. The Council will provide notice of all public meetings in accordance with 1 M.R.S. § 406. When the public may attend by remote methods, the meeting notice will include the means by which members of the public may access the meeting using remote methods. For individuals with disabilities seeking a reasonable accommodation, the notice will identify the specific individual to contact about arranging for the accommodation. When applicable, the notice will also identify a location for members of the public to attend in person.
- c. When the Council allows or is required to provide an opportunity for public input during any meeting conducted by remote methods, an effective means of communication between the Council members and the public will be provided, such as the ability to address the Council through video, microphone or telephone.
- d. If any Council member is participating from a remote location, the Council shall make all non-confidential documents and other materials, electronic or otherwise, considered by it during the meeting available to the public who attend by remote means to the same extent customarily available to members of the public who attend Council meetings in person, so long as no additional costs are incurred by the Council.

7. Council Committees: This Policy applies to all committees of the Council that are subject to the meeting requirements of 1 M.R.S. § 403.

8. Amendments to this Policy. This Policy may be amended as needed by a three-fifths vote of its members. This Policy will take effect immediately upon adoption.

EFFECTIVE DATE: November ____, 2022

Attachment 1

Remote proceedings statute – 1 M.R.S.A. § 403-B

§403-B. Remote participation in public proceedings

1. Remote participation. This section governs remote methods of participation in public proceedings of certain public bodies. For the purposes of this section, "remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.

[PL 2021, c. 290, §1 (NEW).]

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

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

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

(2) If 2/3 of the members vote in support of the chair's determination under subparagraph (1), after an opportunity for hearing, the members may vote on whether to adopt a policy authorizing remote methods of participation in public proceedings of the body under this section; [PL 2021, c. 611, §1 (AMD).]

B. [PL 2021, c. 666, §1 (RP).]

C. The policy adopted pursuant to paragraph A must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities; [PL 2021, c. 290, §1 (NEW).]

D. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided; [PL 2021, c. 290, §1 (NEW).]

E. Notice of the proceeding must be provided in accordance with section 406. When the public may attend by remote methods pursuant to paragraphs C and D, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may limit public attendance at a proceeding solely to remote methods if there is an emergency or urgent situation that requires the body to meet only by remote methods; [PL 2021, c. 666, §2 (AMD).]

F. A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting; [PL 2021, c. 290, §1 (NEW).]

G. All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public; and [PL 2021, c. 290, §1 (NEW).]

H. The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the proceedings of the public body in person, as long as additional costs are not incurred by the public body. The public body must make the proposed policy regarding remote participation available in advance of the meeting if meeting remotely under paragraph A, subparagraphs (1) and (2). [PL 2021, c. 611, §2 (AMD).]

The policy adopted pursuant to this subsection applies to a board or committee that is within the jurisdiction of the public body, unless the board or committee adopts its own policy under this subsection.

[PL 2021, c. 611, §§1, 2 (AMD); PL 2021, c. 666, §§1-3 (AMD).]

3. Remote participation not permitted. This section does not authorize town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings held pursuant to Title 20-A, section 1482-A to be conducted using remote methods.

[PL 2021, c. 290, §1 (NEW).]

4. Application. This section does not apply to:

A. The Legislature; or [PL 2021, c. 290, §1 (NEW).]

B. A public body to which specific statutory provisions for remote participation apply. [PL 2021, c. 290, §1 (NEW).]

[PL 2021, c. 290, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 290, §1 (NEW). PL 2021, c. 611, §§1, 2 (AMD). PL 2021, c. 666, §§1-3 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 130th Maine Legislature and is current through October 1, 2022. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.