



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE

MEMORANDUM

To: Interested Parties
From: Martha Carrier, Assistant Director
Date: July 21, 2021
Subject: Invitation to Comment on Proposed Policy Changes

The Ethics Commission invites public comments on a proposed Commission Policy in response to 1 M.R.S. § 403-B, which became law on June 21, 2021. This new law requires agencies to adopt a policy regarding remote meetings for public proceedings.

Current Policy or Rule

The Commission does not have a policy or rule addressing this issue.

Proposed Policy Background

When the COVID-19 pandemic began, state agencies were forced to adapt quickly to the challenges of conducting the business of government remotely. The pandemic quickly necessitated an acceptance of Zoom and similar platforms as a regular way to work. Initially, the Legislature passed a law allowing remote meetings for state agencies, which had a repeal provision 30 days after the termination of the state of emergency by the Governor.

The new law allows state agencies to best serve the citizens of Maine while encouraging public access and participation through remote meetings. This enables work to be completed efficiently and without unnecessary delays due to pandemics, weather, distance, etc.

Commission staff with the help of the Attorney General's Office have drafted a proposed policy on remote participation in Ethics Commission meetings and seeks public comment on this proposal. Comments can be submitted online [here](#), by email to martha.currier@maine.gov, by appearing at the Commission meeting on Friday, July 30, 2021 at 10:00 a.m. at 45 Memorial Circle, 2nd Floor in Augusta, or by participating remotely by Zoom. The deadline for written comments is 5:00 p.m. on Wednesday, July 28, 2021.

Please contact me at the email above or call 287-3024 if you have any questions or wish to be provided with information to participate remotely in this meeting.

*****PROPOSED*****

POLICY ON REMOTE PARTICIPATION IN ETHICS COMMISSION MEETINGS

In accordance with 1 M.R.S. § 403-B, it is the policy of the Commission on Governmental Ethics and Election Practices ("Commission") to allow Commission members to participate remotely using synchronous telephonic or video technology allowing simultaneous reception and exchange of information pursuant to this policy.

1. Notice to the Public of Commission Meetings

The Commission will notify the public of the date, time, and location of each Commission meeting on the home page of the Commission's website, www.maine.gov/ethics. If applicable, the notice will specify the means by which members of the public may access the proceeding remotely. Members of the public may also sign up to receive notices of upcoming meetings through an email notification service established by the Commission. A link to subscribe to the email notices is available at www.maine.gov/ethics. In addition, the Commission staff posts a link to the agenda and written materials for each meeting to www.maine.gov/ethics roughly one week before each meeting, unless the Commission is meeting due to an emergency or urgent issue.

2. Remote Participation by Commission Members

Commission members are expected to be physically present for meetings except when it is not practicable for a member to attend the meeting in person, for example:

- when the time for a member to travel to a meeting exceeds 90 minutes,
- when a member would face significant difficulties attending a meeting in person due

to illness, other physical condition, family emergency, or the member's temporarily absence from Maine,

- when 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 snowstorms, ice storms or nor'easters, or
- when an emergency or urgent issue, as determined by the Commission Chair, requires the Commission to meet remotely.

If a Commission member determines it is not practicable for them to participate in person, the member will notify the Commission staff as soon as possible. If the Commission Chair determines that an emergency or urgent issue requires the Commission to meet remotely, the Chair will notify Commission staff as soon as possible. In both cases, the staff will arrange for remote participation by telephonic or video technology. When one or more members is participating remotely, the Commission will provide an opportunity for members of the public to attend the meeting remotely.

3. Telephone Meetings Permitted

The Commission's meetings statute, 21-A M.R.S. § 1002(2), permits the Commission to meet by telephone:

- to address procedural or logistical issues before a regular meeting, such as scheduling, deadlines for parties' submission of written materials, setting of the meeting agenda, requests to postpone or reschedule agenda items, issuing subpoenas for documents or witnesses, or recusal by a Commission member; and
- during the 28 days before an election, when the Commission is required to meet within two business days of the filing of any complaint with the Commission.

In the event of a meeting by telephone, the Commission will provide notice to all affected parties and its office will remain open for attendance by complainants, witnesses, the press and other members of the public.

4. Participation by Interested Persons

When a person requests an opportunity to participate in a Commission meeting (e.g., requesting a waiver of a late-filing penalty) or when the Commission requests that someone participate in the meeting (e.g., to respond to a complaint), the Commission expects the person to attend in person. For good cause shown, the Commission may allow the person to participate remotely by telephone or video technology. The Commission's executive director is authorized to make decisions on requests for

remote participation and will confer with the Chair as necessary.

5. Accessibility to the Public

It is the policy of the Commission to make its meetings accessible to all members of the public. In addition to remote attendance as permitted under paragraph 2, members of the public may appear at the Commission's office (or such other location designated in the public notice) to attend any Commission meeting, unless an emergency or urgent issue requires the Commission to meet remotely and the Commission Chair determines that allowing in-person attendance is not practicable.

At the time of the adoption of this policy, the Commission is exploring the feasibility of using video technology to stream its meetings to a YouTube channel for the public to access. In addition to live access, the Commission will make audio recordings of each meeting available to the public upon request within a reasonable timeframe after the conclusion of the meeting.

The Commission will provide reasonable accommodations as necessary to allow members of the public with disabilities to access its meetings. A member of the public seeking a particular accommodation for a disability should request this by contacting Commission staff at (207) 287-4179 or ethics@maine.gov.

6. Opportunity for Public to Comment

If the Commission invites members of the public to comment on an item of business before the Commission (*e.g.*, when conducting a rulemaking or adopting a policy or guidance document), the Commission will provide an effective means for members of the public to communicate with the Commission. In meetings in which the public is invited to attend remotely, participation will be permitted by telephonic or video technology.