



STATE OF MAINE  
**OFFICE OF THE STATE TREASURER**

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**HENRY E.M. BECK, ESQ.**  
State Treasurer

**GREGORY OLSON**  
Deputy Treasurer

June 9, 2022

To: Board Members

From: Henry Beck, Temporary Board Chair

RE: Committee Policy on Remote Participation

Enclosed/Attached is a proposed remote meeting/participation policy. This text comes directly from the written policy adopted by none other than the Right to Know Advisory Committee. I have been told that it accurately reflects the allowances regarding remote participation in Maine law as of the date of this memorandum. There are additional changes to the public meeting/remote participation that do not become effective until August, and we can deal with those changes then. Despite the possibility of being allowed amendments upon enactment of these two pending laws, I urge us to adopt something now in the event taking advantage of a policy on remote participation is necessary or desired in the near future.

As you can see, the proposed policy establishes a default of physical presence for meeting participation except for emergencies or “circumstances in which physical presence of Board member is not practicable.” The policy lists such circumstances and does grant the Board Chair some degree of discretion in applying functional definitions. As is often true, different boards and chairs may apply or interpret these terms reasonably differently than other boards or chairs. At the very least, we must have a noticed and written policy adopted by formal vote. This proposed policy was noticed and posted on the Treasurer’s webpage with reasonable time for receipt of any comments in advance of the June meeting.

At the June meeting, public comments on the noticed proposed policy, if any, should be taken in a structured matter by the Chair. Discussion among the Board may take place. A formal vote adopting the policy may take place at that meeting or later. This process is not governed by the Administrative Procedures Act and I see no compelling reason we not act with reasonable efficiency so long as we respect the spirit of notice and public input. I also suggest the enclosed policy should not be substantively changed without close consultation with the Office of the Attorney General at the risk of the Board adopting a policy that does not comply with current law. Please do not hesitate however to correct any grammatical, spelling or spacing errors.