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Legislative Document

No. 32

S.P. 40

In Senate, January 13, 2021

An Act Regarding Remote Participation in Public Proceedings

Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.
Cosponsored by Representative MARTIN of Sinclair and
Senator: CLAXTON of Androscoggin, Representative: HARNETT of Gardiner.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 1 MRSA §403-B** is enacted to read:

3 **§403-B. Remote participation in public proceedings**

4 **1. Remote participation.** This section governs remote means of participation in
5 public proceedings of certain public bodies. For the purposes of this section, "remote
6 means" includes participation by telephonic, video, electronic or other similar means of
7 communication.

8 **2. Requirements.** Notwithstanding section 403-A, subsection 1, a public body
9 described in section 402, subsection 2, paragraph B, C or D may allow members of the
10 body to participate in a public proceeding using remote means under the following
11 conditions:

12 A. After notice and hearing the body has adopted a written policy governing how the
13 members of the body who are not physically present may participate in a public
14 proceeding of that body. The policy may allow the public to attend and observe using
15 remote means;

16 B. Each member of the body who is participating in the public proceeding must be
17 able to hear and speak to all other members and must be heard by the members of the
18 public attending and observing the public proceeding during the public proceeding;

19 C. Notice of the proceeding must be provided in accordance with section 406;

20 D. If the body determines that the public may attend a public proceeding of the body
21 using remote means, all members of the public must be able to hear, or see and hear,
22 all members of the body and any other speaker. The notice provided in accordance
23 with section 406 must inform members of the public of the method by which they may
24 attend remotely. Unless attendance by the public is only by remote means, the notice
25 must also identify a location for members of the public to attend in person; and

26 E. All votes taken during the public proceeding must be taken by roll call vote.

27 **SUMMARY**

28 This bill authorizes municipal, county and school boards to adopt a policy allowing
29 members of the body to participate remotely in a public proceeding. It extends the same
30 authority to the University of Maine System, Maine Maritime Academy, the Maine
31 Community College System and other state and regional boards and commissions.

32 Under the policy, a public body may allow the public to attend and observe via remote
33 means. If the public may attend remotely, the notice of the public proceeding must inform
34 the public how to attend remotely. Unless the only way for the public to attend is by remote
35 means, the notice must also identify the location where the public can attend in person.