

Date: (Filing No. H- )

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 837, L.D. 1322, "An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation"

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 1 MRSA §403-B, sub-§2, as amended by PL 2021, c. 611, §§1 and 2 and c. 666, §§1 to 3, is further amended to read:

2. Requirements. A public body subject to this subchapter may allow members of the body and the public 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;

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

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1 participate by remote methods, and reasonable accommodations may be provided when  
2 necessary to provide access to individuals with disabilities;

3 D. If the body allows or is required to provide an opportunity for public input during  
4 the proceeding, an effective means of communication between the members of the  
5 body and the public must be provided;

6 E. Notice of the proceeding must be provided in accordance with section 406. When  
7 the public may attend by remote methods pursuant to paragraphs C and D, the notice  
8 must include the means by which members of the public may access the proceeding  
9 using remote methods. The notice must also identify a location for members of the  
10 public to attend in person. The body may limit public attendance at a proceeding solely  
11 to remote methods if there is an emergency or urgent situation that requires the body  
12 to meet only by remote methods;

13 F. A member of the body who participates in a public proceeding by remote methods  
14 is present for purposes of a quorum and voting;

15 G. All votes taken during a public proceeding using remote methods must be taken by  
16 roll call vote that can be seen and heard if using video technology, and heard if using  
17 only audio technology, by the other members of the public body and the public; and

18 H. The public body must make all documents and other materials considered by the  
19 public body available, electronically or otherwise, to the public who attend by remote  
20 methods to the same extent customarily available to members of the public who attend  
21 the proceedings of the public body in person, as long as additional costs are not incurred  
22 by the public body. The public body must make the proposed policy regarding remote  
23 participation available in advance of the meeting if meeting remotely under paragraph  
24 A, subparagraphs (1) and (2).

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

28 **Sec. 2. 1 MRSA §403-B, sub-§2-A** is enacted to read:

29 **2-A. Blanket remote participation policies; exceptions.** The applicability of a  
30 policy adopted by a public body under subsection 2 to other public bodies within the  
31 jurisdiction of the public body is governed by this subsection.

32 A. Except as provided in paragraphs B and C, a remote participation policy adopted  
33 by a public body pursuant to subsection 2 applies to a board, committee or  
34 subcommittee that is within the jurisdiction of the public body, unless the board,  
35 committee or subcommittee adopts its own policy under subsection 2.

36 B. A remote participation policy adopted pursuant to subsection 2 by the county  
37 commissioners of the county, the municipal officers of a municipality or the officers  
38 of any regional or other political subdivision applies to all public bodies subject to this  
39 subchapter that are within the jurisdiction of the county, municipality or regional or  
40 other political subdivision, respectively, unless the county commissioners, municipal  
41 officers or other officers of the regional or other political subdivision specifically  
42 authorize a public body under their jurisdiction to adopt its own remote participation  
43 policy.

1 C. Nothing in this subsection limits the right of a school board to choose to adopt or  
2 to choose not to adopt a remote participation policy under subsection 2.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
4 number to read consecutively.

5 **SUMMARY**

6 This amendment corrects a conflict within the language of the bill. Under current law,  
7 a public body that is under the jurisdiction of another public body that has adopted a remote  
8 participation policy may choose to adopt its own remote participation policy. By contrast,  
9 under the bill and the amendment, a public body under the jurisdiction of the county  
10 commissioners of a county, municipal officers of a municipality or officers of a regional or  
11 other political subdivision that have adopted a remote participation policy may not adopt  
12 its own remote participation policy unless the county commissioners, municipal officers or  
13 other officers of the regional or other political subdivision specifically authorize it to do so.  
14 The amendment also clarifies that, regardless of the remote participation policies adopted  
15 by other public bodies, a school board has the authority to choose to adopt or to choose not  
16 to adopt its own remote participation policy.