



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1854

S.P. 606

In Senate, January 5, 2022

**An Act To Amend the Finance Authority of Maine Act To Allow for
Remote Meetings**

(EMERGENCY)

Submitted by the Finance Authority of Maine pursuant to Joint Rule 203.
Reference to the Committee on Judiciary suggested 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 CURRY of Waldo.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** Public Law 2021, chapter 290, An Act Regarding Remote Participation in
4 Public Proceedings, does not apply to public bodies such as the Finance Authority of Maine
5 to which specific statutory provisions for remote participation already apply; and

6 **Whereas,** the Finance Authority of Maine prefers to have the new law apply to its
7 proceedings instead of the older, more limited statute governing emergency board meetings
8 in certain cases; and

9 **Whereas,** there is a need to have in place a law that governs remote participation in
10 public proceedings of the Finance Authority of Maine after the termination of the state of
11 emergency declared by the Governor pursuant to the Maine Revised Statutes, Title 37-B,
12 section 742 in response to the public health emergency caused by the spread of the novel
13 coronavirus disease referred to as COVID-19; and

14 **Whereas,** members of the Finance Authority of Maine inhabit various parts of the
15 State and may need or wish, based on public health or other considerations such as severe
16 weather, to conduct business remotely as soon as possible; and

17 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
18 the meaning of the Constitution of Maine and require the following legislation as
19 immediately necessary for the preservation of the public peace, health and safety; now,
20 therefore,

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

22 **Sec. 1. 10 MRSA §971,** as amended by PL 1995, c. 117, Pt. C, §1, is further
23 amended to read:

24 **§971. Actions of the members**

25 Seven members of the authority constitute a quorum of the members. The affirmative
26 vote of the greater of 5 members, present and voting, or a majority of those members
27 present and voting is necessary for any action taken by the members. ~~No~~ A vacancy in the
28 membership of the authority ~~may~~ does not impair the right of the quorum to exercise all
29 powers and perform all duties of the members.

30 ~~Notwithstanding any other provision of law, in a situation determined by the chief~~
31 ~~executive officer to be an emergency requiring action of the members on not more than 3~~
32 ~~days' oral notice, an emergency meeting of the members may be conducted by telephone~~
33 ~~in accordance with the following.~~

34 ~~**1. Placement of call.** A conference call to the members must be placed by ordinary~~
35 ~~commercial means at an appointed time.~~

36 ~~**2. Record of call.** The authority shall arrange for recordation of the conference call~~
37 ~~when appropriate and prepare minutes of the emergency meeting.~~

38 ~~**3. Notice of emergency meeting.** Public notice of the emergency meeting must be~~
39 ~~given in accordance with Title 1, section 406 and that public notice must include the time~~
40 ~~of the meeting and the location of a telephone with a speakerphone attachment that enables~~
41 ~~all persons participating in the telephone meeting to be heard and understood and that is~~

1 available for members of the public to hear the business conducted at the telephone
2 meeting.

3 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
4 takes effect when approved.

5 **SUMMARY**

6 This bill strikes the current provisions in law governing certain emergency meetings of
7 the Finance Authority of Maine, thereby making the remote meetings provisions of Public
8 Law 2021, chapter 290 applicable to the authority.