

PROPOSED DISCUSSION DRAFT LEGISLATION:  
CHANGES TO SECTION 403-B RELATED TO REMOTE PARTICIPATION

\*\*\*\*\*Suggested changes to current law are highlighted in yellow \*\*\*\*\*

Sec. 1. 1 MRSA §403-B is amended to read:

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

**1. Remote participation.** This section governs remote methods of participation in public proceedings of certain public bodies. For the purposes of this section, "remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.

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

B. *[repealed]*

C. The policy adopted pursuant to paragraph A must provide members of the public a meaningful opportunity to attend **any public proceeding by remote methods when members of the body participate by remote methods,** and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities;

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

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

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

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

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

A public body, including a county, municipality, school district or any regional or other political or administrative subdivision, may adopt a policy pursuant to this subsection that applies to all boards, committees or subcommittees within the jurisdiction of the public body, unless a board, committee or subcommittee of that county, municipality, school district or any regional or other political or administrative subdivision adopts its own policy under this subsection. The policy adopted pursuant to this subsection applies to a board or committee that is within the jurisdiction of the public body, unless the board or committee adopts its own policy under this subsection.

**3. Remote participation not permitted.** This section does not authorize town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings held pursuant to Title 20-A, section 1482-A to be conducted using remote methods.

**4. Application.** This section does not apply to:

- A. The Legislature; or
- B. A public body to which specific statutory provisions for remote participation apply.

**Summary**

This proposed discussion draft makes the following changes:

1. It requires that any policy on remote participation adopted by a public body must provide members of the public an opportunity for members of the public to attend any public proceeding of that public body by remote methods.
2. It clarifies that a public body, including a county, municipality, school district or any regional or other political or administrative subdivision, may adopt a policy governing remote participation that applies to all boards, committees or subcommittees within the jurisdiction of the public body.