1	L.D. 1809
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3	JUDICIARY
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5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	126TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT " " to H.P. 1300, L.D. 1809, Bill, "An Act Concerning Meetings of Public Bodies Using Communications Technology"
11	Amend the bill by striking out the title and substituting the following:
12 13 14	'An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi- municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services'
15 16	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
17	'Sec. 1. 1 MRSA §403-A is enacted to read:
18 19	§403-A. Public proceedings using communications technology by governing bodies of quasi-municipal corporations and districts
20 21 22 23	1. Application. This section applies to public proceedings conducted by a governing body, including a board of trustees, of a quasi-municipal corporation or district, as defined in Title 30-A, section 2351, subsection 4, that provides water, sewer or sanitary services.
24 25 26 27	2. Authorized participation. A governing body may conduct a public proceeding during which one or more members of the governing body participate in the discussion or transaction of public or governmental business when not physically present only if all of the following requirements are met:
28 29 30 31 32 33	A. The governing body has adopted a written policy that authorizes a member of the governing body who is not physically present to participate in a public proceeding through combined audio and video means of communication in accordance with this section. The policy must establish criteria that must be met before a member may participate when not physically present. The policy may not allow a member who is not physically present to participate in an executive session;
34	B. Notice of the public proceeding has been given in accordance with section 406;

- C. Except as provided in subsection 4, a quorum of the governing body is assembled physically at the location identified in the notice required by section 406;
 - D. Each member of the governing body participating in the public proceeding is able to see and hear all the other members and speak to all the other members during the public proceeding, and members of the public attending the public proceeding in the location identified in the notice required by section 406 are able to see and hear all members participating from other locations. If documents or materials that include pictures, graphs, illustrations or other information presented in a visual format are part of the discussion, either the communications technology used must ensure that all members can see the documents and materials while the documents and materials are being discussed or the documents and materials must be provided to all members not physically present before or during the proceeding;
 - E. Each member who is not physically present and who is participating through combined audio and video means of communication identifies the persons present at the location from which the member is participating;
 - F. All votes taken during the public proceeding are taken by roll call vote; and
 - G. Each member who is not physically present and who is participating through combined audio and video means of communication has received prior to the public proceeding any documents or other materials that will be discussed at the public proceeding, with substantially the same content as those documents actually presented. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public proceeding if the transmission technology is available. Failure to comply with this paragraph does not invalidate the action of a governing body in a public proceeding.
 - 3. Voting; quasi-judicial proceeding. A member of a governing body who is not physically present and who is participating through combined audio and video means of communication may vote in all proceedings other than quasi-judicial proceedings. A member of a governing body who is not physically present may participate in a quasi-judicial proceeding through combined audio and video means of communication, but may not vote on any issue concerning testimony or other evidence provided during the quasi-judicial proceeding. For the purposes of this subsection, "quasi-judicial proceeding" means a proceeding in which the governing body is obligated to objectively determine facts and draw conclusions from the facts so as to provide the basis of an official action when that action may affect the legal rights, duties or privileges of specific persons.
 - **4. Exception to quorum requirement.** A governing body may convene a public proceeding by combined audio and video means of communication without a quorum under subsection 2, paragraph C if:
 - A. An emergency has been declared in accordance with Title 22, section 802, subsection 2-A or Title 37-B, section 742 and:
 - (1) The public proceeding is necessary to take action to address the emergency; and

1	(2) The governing body otherwise complies with the provisions of this section to
2	the extent practicable based on the circumstances of the emergency; or
3	B. The governing body is expressly authorized by its governing statute to convene a
4	public proceeding by combined audio and video means of communication with less
5	than a quorum of the body assembled physically at the location identified in the
6	notice required by section 406.
7	5. Annual meeting. If a governing body conducts one or more public proceedings
8	pursuant to this section, it also shall hold at least one public proceeding annually during
9	which members of the governing body in attendance are physically assembled at one
10	location and at which no members of the governing body participate by combined audio
11	and video means of communication from a different location.'
12	SUMMARY
13	This amendment is the majority report of the Joint Standing Committee on Judiciary.
14	This amendment limits the application of the bill to the governing bodies of quasi-
15	municipal corporations and districts, as defined in the Maine Revised Statutes, Title
16	30-A, section 2351, subsection 4, that provide water, sewer or sanitary services if the
17	governing bodies adopt policies that meet specified requirements.
18	This amendment limits the type of communication technology that may be used to
19	participate remotely to combined audio and video means of communication that permit
20	all the members of the governing body and the public that are in attendance to see and
21	hear all the members that are participating.
22	This amendment prohibits a member who is not physically present from participating
23	in an executive session.
24	This amendment clarifies that a member who is not physically present may
25	participate and vote remotely, but a member who is not physically present may not vote
26	in a quasi-judicial proceeding on any issue concerning testimony or other evidence
27	provided during the quasi-judicial public proceeding. The amendment defines "quasi-
28	judicial proceeding."