

DRAFT FOR DISCUSSION PURPOSES
Right to Know Advisory Committee Policy on Remote Participation

In accordance with Title 1, Section 403-B of the Maine Revised Statutes, it is the policy of the Right to Know Advisory Committee (“the Advisory Committee”) to allow Advisory Committee members to participate remotely in Advisory Committee meetings, including subcommittee meetings, under certain circumstances and using certain methods of remote participation.

1. Notice of Advisory Committee Meetings

The Advisory Committee will notify the public of the date, time and location of each Advisory Committee meeting on the Advisory Committee’s webpage, <https://legislature.maine.gov/right-to-know-advisory-committee>, and on the Maine Legislature’s calendar, <https://legislature.maine.gov/Calendar>. If applicable, the notice will specify the means by which members of the public may access the meeting remotely. Members of the public may also sign up to receive notices of upcoming meetings through email by subscribing to the interested parties list for the Advisory Committee at <https://lists.legislature.maine.gov/sympa/>. Notice of meetings will generally be provided at least one week before each meeting unless the Advisory Committee is meeting due to an emergency or urgent issue.

2. Remote Participation by Advisory Committee Members

Advisory Committee members are expected to be physically present for Advisory Committee meetings except when it is not practicable for a member to attend a meeting in person. Except as permitted by this Policy, only those Advisory Committee members who are physically present at the physical location of an Advisory Committee meeting may participate in the meeting.

3. Circumstances and Conditions Under Which Remote Participation is Permissible

A. Existence of an emergency or urgent issue.

- (1) If, as determined by the Advisory Committee chair, an emergency or urgent issue arises that requires the Advisory Committee to immediately schedule a meeting to address the emergency or urgent issue, one or more Advisory Committee members may participate in the meeting from a remote location.
- (2) If, as determined by the Advisory Committee chair, an emergency or urgent issue arises that requires the entire Advisory Committee to meet remotely, the Advisory Committee chair may authorize the Advisory Committee to conduct a virtual meeting without a physical location. Advisory Committee members would participate in such a virtual meeting from remote locations, and the public would be permitted to attend remotely.

B. Circumstances in which physical presence of Advisory Committee member is not practicable. An Advisory Committee member may participate in an Advisory Committee meeting from a remote location under the following circumstances:

- (1) When the Advisory Committee member has an illness or other physical or mental condition that causes the member to face significant difficulties traveling to and attending the Advisory Committee meeting or that is contagious and would pose a substantial health risk to others if the Advisory Committee member attended in person;
- (2) When there is a reasonable chance that the Advisory Committee member’s health or safety will be compromised by attending the Advisory Committee meeting in person;

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- (3) When the Advisory Committee member will be absent from the State at the time of a meeting and face significant difficulties traveling to and attending the Advisory Committee meeting in person;
- (4) When the time for an Advisory Committee member to travel to a meeting exceeds 60 minutes;
- (5) When the Advisory Committee member's residence is on an island that is not connected to the mainland by a bridge;
- (6) When events or occurrences out of the control of the Advisory Committee member or the effects of such events or occurrences make travel by the Advisory Committee member to the physical location not practicable; or
- (7) When an emergency or urgent issue, as determined by the Advisory Committee chair, requires the Advisory Committee to meet remotely.

If an Advisory Committee member determines it is not practicable for them to participate in a meeting in person, the member shall notify the Advisory Committee staff as soon as possible. If the Advisory Committee chair determines that an emergency or urgent issue requires the Advisory Committee to meet remotely, the Chair shall notify Advisory Committee staff as soon as possible.

4. Form of Remote Participation

When one or more Advisory Committee members will be participating remotely or the Advisory Committee will be conducting a virtual meeting, the Advisory Committee will schedule a meeting using an internet-based virtual meeting platform (e.g., Zoom) that provides simultaneous audio and video reception for all participants. The Advisory Committee will provide access to the virtual meeting to Advisory Committee members and the public.

5. Responsibilities of Advisory Committee Members Who Participate Remotely

Any Advisory Committee member who participates remotely must:

- A. Have the technology, including Internet access, in their remote location sufficient to be seen and heard during the meeting and participate in the same capacity as those members physically present and be responsible for any costs associated with obtaining and maintaining the technology and equipment necessary to participate remotely.
- B. Maintain decorum to the same extent as those Advisory Committee members physically present. The Advisory Committee Chair, in consultation with the Advisory Committee Administrator and after an oral or written warning, may deny an Advisory Committee member the option to participate remotely pursuant to this Policy if the member has failed to comply with this subsection on more than one occasion.

6. Procedures Applicable When Advisory Committee Members Participate Remotely

- A. A member of the Advisory Committee who participates from a remote location in accordance with this Policy is present for purposes of a quorum and voting.

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B. If any Advisory Committee member is participating in an Advisory Committee meeting from a remote location, all votes taken by the Advisory Committee during the meeting must be taken by roll call vote that can be seen and heard by the other members of the Advisory Committee and the public.

C. If any Advisory Committee member is participating from a remote location, the Advisory Committee shall make all non-confidential documents and other materials, electronic or otherwise, considered by it during the meeting available to the public who attend by remote means to the same extent customarily available to members of the public who attend Advisory Committee meetings in person, so long as no additional costs are incurred by the Advisory Committee.

7. Accessibility to the Public

It is the policy of the Advisory Committee to make its meetings as accessible as possible to all members of the public. In addition to remote attendance as permitted under section 4, members of the public may appear at a location designated in the public notice to attend any Advisory Committee meeting. When an emergency or urgent issue requires the Advisory Committee to meet remotely and the Advisory Committee chair determines that allowing any in-person attendance is not practicable, remote attendance by the public must be permitted.

The Advisory Committee will provide reasonable accommodations as necessary to allow members of the public with disabilities to access its meetings. A member of the public seeking a particular accommodation for a disability should request this by contacting the Advisory Committee staff at (207)287-1670.

This Policy was adopted by the Advisory Committee on [DATE] following a public hearing held on [DATE]

