

Citizen Trade Policy Commission Policy on Remote Participation

In accordance with Title 1, Section 403-B of the Maine Revised Statutes, it is the policy of the Citizen Trade Policy Commission (“the Commission”) to allow Commission members to participate remotely in Commission meetings under certain circumstances and using certain methods of remote participation.

1. Notice of Commission Meetings

The Commission will notify the public of the date, time and location of each Commission meeting on the Commission’s webpage, <https://legislature.maine.gov/citizen-trade-policy-commission>, 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 Commission at <https://lists.legislature.maine.gov/sympa/>. Notice of meetings will generally be provided at least one week before each meeting unless the Commission is meeting due to an emergency or urgent issue.

2. Remote Participation by Commission Members

Commission members are expected to be physically present for Commission meetings except when it is not practicable for a member to attend a meeting in person. Except as permitted by this Policy, only those Commission members who are physically present at the physical location of a Commission 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 Commission chair, an emergency or urgent issue arises that requires the Commission to immediately schedule a meeting to address the emergency or urgent issue, one or more Commission members may participate in the meeting from a remote location.
- (2) If, as determined by the Commission chair, an emergency or urgent issue arises that requires the entire Commission to meet remotely, the Commission chair may authorize the Commission to conduct a virtual meeting without a physical location. Commission 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 Commission member is not practicable. A Commission member may participate in a Commission meeting from a remote location under the following circumstances:

- (1) When the Commission member has an illness or other physical or mental condition that causes the member to face significant difficulties traveling to and attending the Commission meeting or that is contagious and would pose a substantial health risk to others if the Commission member attended in person, or when the Commission member does not satisfy health or safety screening requirements applicable to the noticed meeting location;
- (2) When there is a reasonable chance that the Commission member’s health or safety will be compromised by attending the Commission meeting in person;

Commented [LS1]: This section gives the Commission chair authority to:

- Determine that there’s an emergency or urgent issue that has arisen requiring an immediate meeting of the Commission. Chair can allow one or more members to participate remotely.
- Determine that there’s an emergency or urgent issue that has arisen that requires ALL members (entire Commission) to meet remotely.

Commented [LS2]:

P.L. 2021, ch. 290 says “Circumstances in which physical presence for one or more members is not practicable may include:

- (1) The existence of an emergency or urgent issue that requires the public body to meet by remote methods;
- (2) Illness, other physical condition or temporary absence from the jurisdiction of the body that causes a member of the body to face significant difficulties traveling to and attending in person at the location in the notice under section 406;
- (3) With respect to a public body with statewide membership, significant distance a member must travel to be physically present at the location in the notice under section 406; and
- (4) The area of the public body’s jurisdiction includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges;

NOTES: Most of the circumstances in B are from the Right to Know Advisory Committee (RTKAC). They can be modified as to the Commission’s preferences.

The Chair does not have to approve a member choosing to meet remotely. The member decides whether it’s practicable or not for them to attend physically. This section simply spells out reasons why physical presence is not practicable.

(3) When the Commission member will be absent from the State at the time of a meeting and face significant difficulties traveling to and attending the Commission meeting in person;

(4) When the time or distance for a Commission member to travel one way to a meeting exceeds the lesser of 60 minutes or 60 miles;

(5) When the Commission 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 Commission member or the effects of such events or occurrences make travel by the Commission member to the physical location not practicable; or

(7) When an emergency or urgent issue, as determined by the Commission chair, requires the Commission to meet remotely.

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

4. Form of Remote Participation

When one or more Commission members will be participating remotely or the Commission will be conducting a virtual meeting, the Commission 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 Commission will provide access to the virtual meeting to Commission members and the public.

5. Responsibilities of Commission Members Who Participate Remotely

Any Commission member who participates remotely must 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.

6. Procedures Applicable When Commission Members Participate Remotely

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

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

C. If any Commission member is participating from a remote location, the Commission 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 Commission meetings in person, so long as no additional costs are incurred by the Commission.

7. Accessibility to the Public

It is the policy of the Commission 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 Commission meeting. When an emergency or urgent issue requires the Commission to meet remotely and the Commission chair determines that allowing any in-person attendance is not practicable, remote attendance by the public must be permitted.

The Commission 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 Commission staff at (207) 287-1670.

This Policy was adopted by the Commission on _____ following a public hearing held on _____