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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1300, L.D. 1809, Bill, “An Act Concerning Meetings of Public Bodies Using Communications Technology”

Amend the bill by striking out the title and substituting the following:

'An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 1 MRSA §403-A is enacted to read:

§403-A. Public proceedings using communications technology by governing bodies of quasi-municipal corporations and districts

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.

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:

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;

B. Notice of the public proceeding has been given in accordance with section 406;

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1 C. Except as provided in subsection 4, a quorum of the governing body is assembled
2 physically at the location identified in the notice required by section 406;

3 D. Each member of the governing body participating in the public proceeding is able
4 to see and hear all the other members and speak to all the other members during the
5 public proceeding, and members of the public attending the public proceeding in the
6 location identified in the notice required by section 406 are able to see and hear all
7 members participating from other locations. If documents or materials that include
8 pictures, graphs, illustrations or other information presented in a visual format are
9 part of the discussion, either the communications technology used must ensure that
10 all members can see the documents and materials while the documents and materials
11 are being discussed or the documents and materials must be provided to all members
12 not physically present before or during the proceeding;

13 E. Each member who is not physically present and who is participating through
14 combined audio and video means of communication identifies the persons present at
15 the location from which the member is participating;

16 F. All votes taken during the public proceeding are taken by roll call vote; and

17 G. Each member who is not physically present and who is participating through
18 combined audio and video means of communication has received prior to the public
19 proceeding any documents or other materials that will be discussed at the public
20 proceeding, with substantially the same content as those documents actually
21 presented. Documents or other materials made available at the public proceeding
22 may be transmitted to the member not physically present during the public
23 proceeding if the transmission technology is available. Failure to comply with this
24 paragraph does not invalidate the action of a governing body in a public proceeding.

25 **3. Voting; quasi-judicial proceeding.** A member of a governing body who is not
26 physically present and who is participating through combined audio and video means of
27 communication may vote in all proceedings other than quasi-judicial proceedings. A
28 member of a governing body who is not physically present may participate in a
29 quasi-judicial proceeding through combined audio and video means of communication,
30 but may not vote on any issue concerning testimony or other evidence provided during
31 the quasi-judicial proceeding. For the purposes of this subsection, "quasi-judicial
32 proceeding" means a proceeding in which the governing body is obligated to objectively
33 determine facts and draw conclusions from the facts so as to provide the basis of an
34 official action when that action may affect the legal rights, duties or privileges of specific
35 persons.

36 **4. Exception to quorum requirement.** A governing body may convene a public
37 proceeding by combined audio and video means of communication without a quorum
38 under subsection 2, paragraph C if:

39 A. An emergency has been declared in accordance with Title 22, section 802,
40 subsection 2-A or Title 37-B, section 742 and:

41 (1) The public proceeding is necessary to take action to address the emergency;
42 and

