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Date: (Filing No. S-)

JUDICIARY

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 446, L.D. 1241, Bill, “An Act To Increase Government Efficiency”

Amend the bill in section 1 in subsection 3 by striking out all of paragraphs C and D (page 1, lines 21 to 34 in L.D.) and inserting the following:

'C. A member who participates while not physically present at the location of the public proceeding identified in the notice required by Title 1, section 406 does so only if the member is needed for a quorum as determined by the executive director or when the member's attendance is not reasonably practical for one of the following reasons:

- (1) Illness of the member;
- (2) Weather that makes driving hazardous; or
- (3) Unexpected traffic delays or vehicle breakdowns when the member is traveling to the meeting.

The reason that the member is not physically present at the location must be stated in the minutes of the meeting:

D. Each member who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication has received prior to the public proceeding all documents and materials discussed at the public proceeding, with substantially the same content as those presented at the public proceeding. 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; and

E. Any executive session includes only members who are physically present at the location of the public proceeding identified in the notice.'

Amend the bill in section 2 in subsection 4 by striking out all of paragraphs C and D (page 2, lines 20 to 33 in L.D.) and inserting the following:

COMMITTEE AMENDMENT

1 'C. A member who participates while not physically present at the location of the
2 public proceeding identified in the notice required by Title 1, section 406 does so
3 only if the member is needed for a quorum as determined by the executive director or
4 when the member's attendance is not reasonably practical for one of the following
5 reasons:

6 (1) Illness of the member;

7 (2) Weather that makes driving hazardous; or

8 (3) Unexpected traffic delays or vehicle breakdowns when the member is
9 traveling to the meeting.

10 The reason that the member is not physically present at the location must be stated in
11 the minutes of the meeting;

12 D. Each member who is not physically present at the location of the public
13 proceeding and who is participating through telephonic, video, electronic or other
14 similar means of communication has received prior to the public proceeding all
15 documents and materials discussed at the public proceeding, with substantially the
16 same content as those presented at the public proceeding. Documents or other
17 materials made available at the public proceeding may be transmitted to the member
18 not physically present during the public proceeding if the transmission technology is
19 available; and

20 E. Any executive session includes only members who are physically present at the
21 location of the public proceeding identified in the notice.'

22 Amend the bill in section 3 in paragraph B by striking out all of subparagraphs (3)
23 and (4) (page 3, lines 33 to 44 and page 4, lines 1 to 3 in L.D.) and inserting the
24 following:

25 '(3) A commissioner who participates while not physically present at the location
26 of the public proceeding identified in the notice required by Title 1, section 406
27 does so only if the commissioner is needed for a quorum as determined by the
28 director or when the commissioner's attendance is not reasonably practical for
29 one of the following reasons:

30 (a) Illness of the commissioner;

31 (b) Weather that makes driving hazardous; or

32 (c) Unexpected traffic delays or vehicle breakdowns when the commissioner
33 is traveling to the meeting.

34 The reason that the commissioner is not physically present at the location must be
35 stated in the minutes of the meeting;

36 (4) Each commissioner who is not physically present at the location of the public
37 proceeding and who is participating through telephonic, video, electronic or other
38 similar means of communication has received prior to the public proceeding all
39 documents and materials discussed at the public proceeding, with substantially
40 the same content as those presented at the public proceeding. Documents or

1 other materials made available at the public proceeding may be transmitted to the
2 commissioner not physically present during the public proceeding if the
3 transmission technology is available; and

4 (5) Any executive session includes only commissioners who are physically
5 present at the location of the public proceeding identified in the notice.'

6 Amend the bill in section 4 in subsection 4 by striking out all of paragraphs C and D
7 (page 4, lines 27 to 40 in L.D.) and inserting the following:

8 'C. A commissioner who participates while not physically present at the location of
9 the public proceeding identified in the notice required by Title 1, section 406 does so
10 only if the commissioner is needed for a quorum as determined by the executive
11 director or when the commissioner's attendance is not reasonably practical for one of
12 the following reasons:

13 (1) Illness of the commissioner;

14 (2) Weather that makes driving hazardous; or

15 (3) Unexpected traffic delays or vehicle breakdowns when the commissioner is
16 traveling to the meeting.

17 The reason that the commissioner is not physically present at the location must be
18 stated in the minutes of the meeting; and

19 D. Each commissioner who is not physically present at the location of the public
20 proceeding and who is participating through telephonic, video, electronic or other
21 similar means of communication has received prior to the public proceeding all
22 documents and materials discussed at the public proceeding, with substantially the
23 same content as those presented at the public proceeding. Documents or other
24 materials made available at the public proceeding may be transmitted to the
25 commissioner not physically present during the public proceeding if the transmission
26 technology is available; and

27 E. Any executive session includes only commissioners who are physically present at
28 the location of the public proceeding identified in the notice.'

29 **SUMMARY**

30 This amendment is the majority report of the Joint Standing Committee on Judiciary
31 and amends the bill to bar remote participation in executive sessions of the board and
32 authorities subject to the bill and lists specific and limited situations when a member may
33 participate remotely in the public proceedings.