



# Policy Letter 1-21

## Remote Meetings

November 17, 2021

From: Brian J. Downey, Administrator

To: Maine Pilotage Commission

1. Purpose: To establish a reliable and repeatable method to conduct public meetings remotely.
2. Background: Maine Pilotage Commission members are expected to be physically present for Commission meetings except when being physically present is not practicable. The COVID-19 pandemic has necessitated regular and routine use of remote meetings leveraging technology to provide best access to the public. On July 30, 2021, the emergency law permitting remote public proceedings during the COVID-19 pandemic expired. In its place, the Legislature enacted a new law, codified at 1 MRS § 403-B which requires an effective policy to utilize remote meeting options.
3. Policy: In accordance with Title 1, MRS § 403-B, it is the policy of the Maine Pilotage Commission to allow its Commission members to participate remotely in Commission meetings under certain circumstances and using certain methods of remote participation. 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. Circumstances and conditions under which remote participation is permissible.
  - a. Existence of an emergency or urgent issue.
    - i. If, as determined by the Commission chair, an emergency or urgent issue arises that requires the Commission to schedule a meeting to address the emergency or urgent issue, one or more Commission members may participate in the meeting from a remote location without a physical location.
  - 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:
    - i. 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;
    - ii. There is a reasonable chance that the Commission member's health or safety will be compromised by attending the Commission meeting in person;
    - iii. 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;
    - iv. The Commission member's residence is more than 100 miles driving distance from the location of the in-person Commission meeting;

- v. The Commission member's residence is on an island that is not connected to the mainland by a bridge; or
  - vi. 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. Such events may include inclement or forecasted un-safe weather.
  - vii. In the event a Commission member is committed to a work-related event including pilot on-call status.
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. Alternatively, a telephonic conference call will also satisfy remote meeting participation. 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:
- a. Have the technology, including internet access, in their remote location sufficient to be seen and/pr heard (in the case of telephonic participation) 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 Commission members physically present. The Commission Chair, in consultation with the Commission Administrator and after an oral or written warning, may deny a Commission 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 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/or 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.

Sincerely,

Brian J. Downey Jr.  
Administrator.  
Maine Pilotage Commission