

Commission Member Remote Participation Policy

POLICY: In accordance with 1 M.R.S. § 403-B, it is the policy of the Maine State Harness Racing Commission (“Commission”) to allow Commission members to participate remotely using synchronous telephonic or video technology allowing simultaneous reception and exchange of information pursuant to this policy.

1. The Commission recognizes that there are benefits to meeting in-person. It further recognizes that in-person participation can be challenging for various members who have impediments to meeting in-person at each meeting and those impediments may, over time, discourage people from participating on the Commission. Accordingly, Commission members are encouraged to attend in person but are permitted to participate remotely.

2. The Commission may meet virtually if an emergency or urgent issue exists as determined by the Commission Chair, or if the Chair is unavailable, by the Commission’s Executive Director.

Meeting “virtually” means that there will be no physical location of the meeting, that it is only by remote methods.

An “emergency” or “urgent issue” includes but is not limited to:

- A. A declaration of emergency issued by the Governor of the State of Maine, the President of the United States, or by an applicable state or federal agency;
- B. Circumstances that require an immediate meeting such as imminent risk of harm to person or property; or
- C. Conduct or condition of a licensee or any other person that places the health or physical safety of the Commission or any other person in immediate jeopardy by holding an in-person meeting.

Access to virtual meetings due to an emergency or urgent issue shall be provided by the Commission to members of the public to permit a meaningful opportunity to attend.

2. The Commission may not limit the public’s ability to attend a public proceeding in person except when the existence of an emergency or urgent issue is determined pursuant to paragraph 2 of this Policy.

3. The Commission shall identify a physical location for members of the public to attend in person except when the existence of an emergency or urgent issue is determined pursuant to paragraph 2 of this Policy.

4. The Commission shall provide remote methods for the public to attend whenever members of the Commission participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities. Any member

of the public needing and requesting accommodation to access a public Commission proceeding should contact Commission staff at: 207-287-322.

5. Whenever the Commission is scheduled to allow or required to provide an opportunity for public input during a public Commission proceeding, the Commission shall provide an effective means of communication between the members of the Commission and the public.

6. 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. Commission members shall be responsible for any costs associated with obtaining and maintaining the technology and equipment necessary to participate remotely.

7. All members of the Commission are expected to be physically present for public proceedings if an adjudicatory hearing held under 5 M.R.S. §§ 9051-9064 is on the agenda.

8. In the event that technical difficulties precluded any member of the Commission from participating in a meaningful way, then the Commission members present shall determine whether the member may continue to participate remotely.

9. A member of the Commission who participates remotely in a public Commission proceeding is present for purposes of a quorum and voting.

10. All votes taken by the Commission during a public Commission proceeding using remote methods for participation by any Commission member must be taken by roll call vote that can be seen and heard if using video technology, and heard if using audio only technology, by the other members of the Commission and the public.

11. The Commission shall make all non-confidential documents and other materials, electronic or otherwise, considered by it during a public proceeding available to the public who attend by remote means to the same extent customarily available to members of the public who attend Commission public proceedings in person so long as no additional costs are incurred by the Commission.

12. Nothing in this policy is intended to be a rule subject to the provisions of 5 M.R.S. §§ 8051-8074, and this policy may be subsequently amended by simple majority vote of those present and voting once quorum is achieved.

EFFECTIVE: August 8, 2022

AMENDED EFFECTIVE: