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DEPARTMENT OF AGRICULTURE,  
CONSERVATION & FORESTRY

## MAINE MILK COMMISSION

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AUGUSTA, MAINE  
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AMANDA E. BEAL  
COMMISSIONER

MICHAEL WIERS  
CHAIRMAN

JULIE-MARIE R. BICKFORD  
EXECUTIVE DIRECTOR

# REMOTE PARTICIPATION POLICY

## A. PURPOSE

The Maine Milk Commission may allow participation in its public meetings by remote methods in accordance with 1 MRS Ch. 13 §403-B(1).

"Remote" is a means of participation or type of meeting that is conducted through remote methods, where individuals may participate by telephonic, video or electronic technology, or a similar means of allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability.

"In-Person" is a means of participation or type of meeting that allows or otherwise accommodates for in-person interaction, meaning that the participants will be located within the same physical space.

"Remote methods" means telephonic, video or electronic technology that allows an individual to participate in a meeting and exchange simultaneous reception of information within the meeting without being physically present. Remote technology that requires a social media account, specific membership, or software that must be purchased may not be employed as the sole means of accessing a meeting for the purposes of remote participation.

"Hybrid" is a means of participation or type of meeting where Commissioners, staff, intervenors, or members of the public may participate either in-person or remotely during a convened meeting.

As a matter of policy, the Commission affirms both the value of face-to-face in-person interactions and the benefit of maximizing opportunities for public participation in its deliberations. The Maine Milk Commission reserves the right to act in a manner that may vary from this document, consistent with its statute and regulations, to respond to changing circumstances. Such variations should only be undertaken after consultation between the Maine Milk Commission staff, the Chair, and legal counsel from the Maine Attorney General's Office.

## B. PARTICIPATION

### 1. Commission Members

Members of the Maine Milk Commission are expected to be physically present for public meetings except when being physically present is not practicable, as outlined in 1 MRS Ch. 13 § 403-B(2)(B)(1-4).

Instances in which physical presence may not be practicable shall include, but is not limited to:

- a. The existence of a state or federal declared emergency, or the event of an urgent issue that requires the Maine Milk Commission to meet immediately by remote methods;
- b. Illness, other physical condition or temporary absence from the jurisdiction of the Maine Milk Commission 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; and
- c. A significant distance a Commission member must travel to be physically present at the location in the notice under section 406.

The existence of the criteria in (a) above is determined by the Maine Milk Commission Chair in his or her discretion, in consultation with the Executive Director. The existence of the criteria in (b) and (c) is

determined through consultation with the impacted Maine Milk Commission member(s) and the Executive Director.

## 2. **Voting**

A member of the Maine Milk Commission who participates in a public meeting by remote methods is present for purposes of a quorum and voting.

All votes taken during a public meeting using remote methods will be taken by roll call vote that can be seen and heard if using video technology and heard if using only audio technology by the other members of the Maine Milk Commission and the public.

A technical failure of the means of remote communication that interrupts the meeting, or occurs during a portion of the meeting does not invalidate any action taken by the Maine Milk Commission within that meeting's proceedings.

Comments and remarks included in a "chat" or similar medium are not part of the meeting record unless recognized by the Chair and shared with all meeting attendees.

## 3. **Public Access**

Members of the public will be provided a meaningful opportunity to attend by remote methods when members of the Maine Milk Commission participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.

To the maximum extent practicable, opportunities for public participation within any meeting conducted using remote means must be substantially equivalent to such opportunities within comparable in-person meetings.

When the Maine Milk Commission allows or is required to provide an opportunity for public input during a meeting, individuals wishing to offer comments or ask questions must first be recognized by the Chair. All participants should identify themselves verbally before asking a question or offering comments.

## 4. **Public Notice & Access to Materials**

Notice of the meeting will be provided as required in Section 406 of the Freedom of Access Act. When a meeting will utilize remote participation methods, the meeting notice will include the means by which members of the public may access the meeting using such remote methods. The notice will also identify a location for members of the public to attend in-person when a hybrid or completely in-person meeting format will be used.

For individuals with disabilities seeking a reasonable accommodation, the notice will identify the specific individual to contact about arranging for the accommodation.

The Maine Milk Commission will not determine that public attendance at a proceeding will be limited solely to remote methods except when an emergency or urgent issue exists that requires the Maine Milk Commission to meet by remote methods as specified above in number 1.

The Maine Milk Commission will make all documents and other materials considered by the Maine Milk Commission available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the proceedings of the public body in person, as long as additional costs are not incurred by the Maine Milk Commission.

*Remote Meeting Policy approved by unanimous vote 3/24/2022, effective immediately.*