

# STATE OF MAINE

In Senate \_\_\_\_\_

**WHEREAS**, the spread of the highly contagious disease referred to as "COVID-19" has created significant challenges throughout the State and country; and

**WHEREAS**, in response to this widespread disease, the World Health Organization has declared a pandemic, the President of the United States has declared a national emergency and the Governor of Maine and other governors around the country have declared civil states of emergency; and

**WHEREAS**, federal and state guidance on curtailing the spread of the pandemic and maintaining the health and safety of individuals emphasizes minimizing congregating in groups and ensuring physical distancing of individuals; and

**WHEREAS**, during the legislative session, operation of the Legislature traditionally involves the gathering together of Legislators, members of the public, representatives from other branches of government, experts and constituents; and

**WHEREAS**, the Legislature has a constitutional duty and responsibility to do the people's work, and it is imperative that the Legislature and its committees continue to meet, take testimony, debate, deliberate and vote, to appropriately address the needs of the State; and

**WHEREAS**, technology exists that would enable the Legislature to conduct its business in a manner that is consistent with public access to, and transparency of, its proceedings as demanded by the Constitution of Maine; and

**WHEREAS**, in order to ensure that the Legislature is able to meet the urgent needs of the people of the State while confronting rapidly changing circumstances and public health concerns, it is necessary to implement temporary procedures for that portion of the First Regular Session of the 130th Legislature during which the COVID-19 pandemic necessitates special procedures to allow the Legislature to operate in a safe, accountable and transparent manner; now, therefore, be it

**ORDERED**, the House concurring, that for the First Regular Session of the 130th Legislature and any special legislative session that occurs during the time period for a first regular session specified in the Maine Revised Statutes, Title 3, section 2:

1. Notwithstanding any Joint Rule to the contrary, for purposes of the Constitution of Maine, a legislative meeting or proceeding held via electronic means is considered to have occurred at the seat of government and all actions taken during the meeting or proceeding have the same legal effect as if the members were physically present at the seat of government. Nothing in this Order may be construed to modify the administration of provisions regarding the payment of legislative per diem and reimbursement for travel and expenses;

2. Notwithstanding any Joint Rule to the contrary, upon reference of a bill to a committee, if a majority of the chairs and leads of the committee agree, in advance of scheduling the bill for public hearing, that the reference to that committee is inappropriate, that bill must be reported back to the floor with a recommendation of "change of committee reference." Notwithstanding any Joint Rule to the contrary, upon reference of a bill to a committee, if a majority of the chairs and leads of the committee agree, in advance of scheduling the bill for public hearing, that the reference to that committee is appropriate, that bill remains in that committee. If there is not a majority agreement among the chairs and leads regarding reference

of that bill, the bill is designated for discussion by the committee for a possible change of committee reference. If the committee recommends that the bill be referred to a different committee, the committee shall report the bill back to the floor with a recommendation of "change of committee reference." Any bill that undergoes a reference determination pursuant to this section that is retained by the committee must be scheduled for a public hearing;

3. Notwithstanding any Joint Rule to the contrary, a member who is in attendance at any meeting or proceeding through approved electronic means is considered present for the purposes of the Joint Rules, including but not limited to for the purposes of a quorum;

4. Notwithstanding any Joint Rule to the contrary, a meeting or proceeding may be conducted through electronic means as long as:

A. Notice of the meeting or proceeding is provided in accordance with applicable rules, including but not limited to Joint Rule 305, and the notice includes the method by which the public may attend;

B. The identity of each participating member is verifiable, and the actions of each participating member can be authenticated, in a manner satisfactory to the chair;

C. Each member who is participating in the meeting or proceeding has the opportunity to hear and speak to other members during the meeting or proceeding; and

D. Members of the public attending the meeting or proceeding at the location identified in the notice given pursuant to paragraph A have the opportunity to hear and participate in, as appropriate, the meeting or proceeding.

Nothing in this Order may be construed to affect the ability of the chairs to suspend a committee meeting in the event of widespread power outages or natural disasters or when otherwise determined appropriate.

5. Notwithstanding any Joint Rule to the contrary, a member who is participating in a meeting or proceeding conducted through electronic means may cast a vote through electronic means as long as the chair is able to both see and hear the member casting the vote, or, if the chair cannot both see and hear the member, as long as the member registers that member's vote with the member's presiding officer by noon of the 2nd business day following the vote;

6. A technical failure on the part of an individual member or a group of members that interrupts that member's or group's electronic connection to the meeting or proceeding does not invalidate any action taken by the majority of those in attendance in the meeting or proceeding; and

7. Notwithstanding Joint Rule 208, the Revisor of Statutes shall prepare in concept form: a bill submitted by the Governor that proposes to make supplemental appropriations and allocations for the expenditures of State Government; or a bill that proposes to adopt a uniform law, a model law or an interstate compact; and be it further

**ORDERED**, the House concurring, that, notwithstanding Joint Rule 103, this order may be suspended with the consent of a majority of members of each chamber voting.

**SPONSORED BY:** \_\_\_\_\_

**(Senator LIBBY, N.)**

**COUNTY: Androscoggin**