



**CLIENT ALERT: Policies and Procedures for Remote Meetings
October 7, 2021**

Remote meetings are here to stay. During its special session this spring, the Maine Legislature enacted LD 683, An Act to Allow Maine Nonprofit Corporations to Hold Meetings Electronically. Non-profit boards are not required to adopt remote meeting policies, but must do so to continue voting through remote means.

The statute clarifies that members of non-profits may hold meetings in-person, remotely, or partially remotely, as described in the meeting notice. The Board of Directors may adopt guidelines and procedures authorizing members who are not physically present at the meeting to participate and vote by remote communication. For the purposes of the statute, “remote communication” means a “reasonable opportunity to participate in the meeting and to vote,” including the ability to “read or hear proceedings of the meeting, substantially concurrently with the proceedings, when not attending in person.” Live streams via video or conference call functions will comply with the statute, but not pre-recorded versions of the meeting made available at a later time.

For members to count towards the quorum and vote by remote communication, Board policy must address the following:

1. The organization’s reasonable measures to verify each person participating remotely is in fact a member or proxy holder of a member;
2. The organization’s procedures to accommodate remote communication, giving members a reasonable opportunity to participate and vote remotely; and
3. If any member or proxy holder votes or takes other action during remote participation, a record of such action must be maintained by the organization.

Votes may be conducted remotely only if the Board adopts the guidelines and procedures described above. If the Board adopts these guidelines, votes taken by remote communication must be counted for quorum purposes and must be filed with the minutes of the meeting to have the same effect as an in-person vote.

This statute becomes effective on October 18, 2021. If you have any questions please contact Peter Lowe at plowe@brannlaw.com, Dan Stockford at dstockford@brannlaw.com, or Hannah Wurgaft at hwurgaft@brannlaw.com.