Executive / Nonpublic Session — Motion Script

Body: _____ **Meeting date:** _____
State: [ ] Maine (executive session) [ ] New Hampshire (nonpublic session) [ ] Massachusetts (executive session)

Before the meeting (chair and clerk)

- ☐ The topic is one the statute allows: ME 1 M.R.S. § 405(6)(_____) / NH RSA 91-A:3, II(_____) / MA c. 30A § 21(a)(_____)
- ☐ The posted notice lists the possible session and its purpose
- ☐ MA, session about an individual under § 21(a)(1): written notice to that person at least 48 hours ahead (or written waiver on file)
- ☐ Counsel consulted if the ground is unclear
- ☐ Someone is assigned to keep minutes of the closed session

Motion to go in (read aloud in open session)

Maine: "I move that the _____ go into executive session under 1 M.R.S. § 405(6) (_____) to discuss _____ [precise nature of the business]."
Vote: public, recorded; passes with 3/5 of members present and voting. Yes _____ No _____

New Hampshire: "I move that the _____ enter nonpublic session under RSA 91-A:3, II(_____) to consider _____." Seconded by _____.
Vote: roll call; passes with a majority of members present.

Member	Yes	No
_____		
_____		
_____		

Massachusetts: "I move that the _____ go into executive session under G.L. c. 30A § 21(a) (_____) to _____." Chair states the purpose: "_____." Chair announces: "We [will / will not] return to open session afterward." [For (a)(3) litigation or bargaining strategy, or (a)(6) real property: the chair declares that an open meeting may have a detrimental effect on the body's position.]
Vote: majority by roll call, recorded in the minutes.

Time entered: _____ Present in the session: _____

During the session

- Stay within the topic named in the motion.
- Maine: no final approval of an ordinance, contract, appointment or other official action — come back to open session to vote.
- New Hampshire: record any action so each member's vote can be seen.
- Massachusetts: record the discussion and any votes for the executive-session minutes.

Coming out

"I move to adjourn the executive / nonpublic session and return to open session." Time: _____

Back in open session, vote on any action that must be taken in public: _____

Minutes of the closed session

- ME: record date, time, place, members present, and motions and votes; keep records as your counsel advises.
- NH: minutes disclosed within 72 hours unless sealed by a recorded 2/3 vote of members present in public session. Sealing vote: Yes _____ No _____
- MA: keep accurate minutes; review periodically whether they can be released (c. 30A § 22).

State notes

- **Maine:** 1 M.R.S. § 405: called only by a public, recorded vote of 3/5 of members present and voting. The motion must state the precise nature of the business and cite the authority (usually a paragraph of § 405(6)). No ordinance, order, rule, resolution, regulation, contract, appointment or other official action is finally approved in executive session.
- **New Hampshire:** RSA 91-A:3, I: motion made and seconded, stating on its face the specific exemption in RSA 91-A:3, II; roll call vote; majority of members present. Discussion stays within the motion. Minutes record each member's vote on any action and are disclosed within 72 hours unless sealed by a recorded 2/3 vote in public session.
- **Massachusetts:** c. 30A § 21(b): convene in open session first; majority vote by roll call recorded in the minutes; the chair states the purpose (as fully as possible without defeating it) and announces whether the open session will reconvene afterward. Keep accurate executive-session minutes. For a § 21(a)(1) session about an individual, give that person written notice at least 48 hours ahead unless they agree in writing to waive it.

Sources

- 1 M.R.S. § 405 (executive sessions) — https://legislature.maine.gov/legis/statutes/1/title1sec405.html
- RSA 91-A:3 (nonpublic sessions) — https://www.gc.nh.gov/rsa/html/VI/91-A/91-A-3.htm
- M.G.L. c. 30A, § 21 (executive sessions) — https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30A/Section21
- M.G.L. c. 30A, § 22 (minutes; open-session minutes available within 10 days) — https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30A/Section22

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