

# MAINE STATE LEGISLATURE

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*Department of the Secretary of State*

**Office of the Secretary of State**

**Bureau of Corporations, Elections and Commissions**

**Maine State Archives**



**Program Evaluation Report**

**As Required by the Government Evaluation Act**

**March 12, 2012**

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*Department of the Secretary of State*

Office of the Secretary of State  
Bureau of Corporations, Elections and Commissions  
Maine State Archives

***Program Evaluation Report***

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**DEPARTMENT OVERVIEW AND OFFICE OF THE SECRETARY**

**Department Overview:**

The Department of the Secretary of State is established in the Maine State Constitution and therein required to attend the Governor, the Senate and the House of Representatives as they shall respectively require, to keep and preserve the records of all their official acts and proceedings, and to perform such other duties as required by law. The Secretary of State provides administrative and policy oversight for the Department of the Secretary of State.

As the repository for Maine's official state records, Department personnel focus on ways to enhance citizen access to government information and services. The Department of the Secretary of State was the first state agency to contract with the Information Resource of Maine (InforME) to provide online government services. Over the past decade, the Department has continued its work to substantially increase the use of technology in all areas.

As a result, the Department remains in the forefront of providing online government services to Maine's citizens and businesses. Through its regular increases in the breadth of online services, the Department continues its progress toward increasing customer satisfaction (through more convenient access to information and services); enhancing productivity (through removal of redundancy from employees' duties); and ensuring the public trust (through citizen oversight of activities in the public interest).

During the next biennium, it is anticipated that the Department of the Secretary of State will generate approximately \$18,661,400 in revenues to the General Fund and receive an allocation of \$5,492,550. **Revenues will exceed expenditures by more than \$13 million.**

**Department Mission Statement:**

The Secretary of State is the Constitutional Officer responsible for keeping, preserving and providing access to official state records, promoting the safe use of Maine roadways, and safeguarding the electoral process; in order to enhance the integrity of State government, protect Maine citizens, and ensure a vital and healthy democracy.

**OFFICE OF THE SECRETARY OF STATE**

The Office of the Secretary of State is responsible for the overall administration of the Department's bureaus and offices: the **Maine State Archives**; the **Bureau of Corporations, Elections and Commissions (CEC)**; the **Bureau of Motor Vehicles (BMV)**; the **Office of the Special Advocate**; the **Office of Information Services**; and the **Office of Investigations**.

Budget preparation, personnel management, program implementation and planning, constituent services and special projects and are carried out by the Office of the Secretary of State, which also directs policy oversight and technology initiatives.

## **A. Enabling Authority and Legislation**

Maine Constitution Article V. -- Part Second; Title 5, Sub-chapter 5 (General Provisions); Title 5 §90-B. Address Confidentiality Program; Title 5, Subchapter 2: Special Advocate

## **B. Overview and Description of Programs**

### *Office of the Special Advocate*

The Office of the Special Advocate, established in 2011 pursuant to Public Law Chapter 304, "*An Act To Ensure Regulatory Fairness and Reform*," assists in resolving regulatory enforcement actions affecting small businesses that, if taken, are likely to result in significant economic hardship and to advocate for small business interests in other regulatory matters. Additionally, the law repealed the Regulatory Fairness Board within the State Planning Office and established the Regulatory Fairness Board within the Office of the Secretary of State.

The Regulatory Fairness Board, chaired by the Secretary of State and staffed by the Special Advocate, met twice in 2012. The first meeting was organizational and the second meeting to hear public testimony.

The Advocate's role is to address specific state regulatory enforcement actions that would cause significant economic hardship for small businesses, with the goal of achieving equitable resolutions for small businesses.

Cumulative results of three recent advocacy cases:

- Businesses saved \$653,000
- Two businesses kept viable
- One business able to expand
- 15 year-round and 14 seasonal jobs retained
- Conceivable creation of 10 full-time jobs

#### **Case #1:**

A business owner faced a \$473,000 repayment to a state agency because a staff member failed to renew a license. This repayment could have caused the owner to close his 30 year business. The Advocate negotiated an equitable resolution between the owner and state agency.

**Result:** Repayment reduced to \$25,000. State compliance met. 15 year round and 10 seasonal jobs retained.

#### **Case #2:**

A small business opens in 2011, investing \$300,000 into its facility. State agency regulations will impede 70% of sales. The Advocate negotiated an equitable resolution between the owners and state agency.

**Result:** Business remains viable. State compliance met. 4 seasonal jobs retained.

**Case #3:**

A manufacturing business faced spending \$180,000 to reconfigure its operations to meet state regulations. The Advocate negotiated an equitable resolution between the manager and state agency.

**Result:** State compliance met. Business is now able to move ahead with expansion plans that will likely create 10 full-time manufacturing jobs.

**Address Confidentiality Program**

The Address Confidentiality Program established by statute in 2001 and implemented in 2003, protects victims of domestic violence, stalking or sexual assault by authorizing the use of designated addresses for such victims. The designated address has no relation to the participant's actual address. It is used in place of the participant's residential, school and work address for receipt of all first-class mail. State and local agencies must accept the ACP designated address as though it is the participant's actual residential address.

Domestic Violence agencies throughout the state and Victim Witness Advocates working within our court system have advocates who are certified as ACP Application Assistants. These Application Assistants will recommend and enroll a person into the Address Confidentiality Program if they feel the program should be part of their safety plan.

Maine is one of 28 states that have an ACP or Safe-at-Home program while 8 states have partial programs or are in the process of developing a program.

Current enrollment in the ACP includes 89 adults and 81 dependents. There are 123 trained Application Assistants statewide.

**Civic Awareness and Voter Participation**

A number of outreach programs aimed at enhancing civic awareness and increasing voter participation are coordinated by the Office of the Secretary of State. They include the *Maine Student Mock Election*, the *8<sup>th</sup> Grade Citizenship Award*, the *Maine Constitution Poster and Essay Contest*, and the *Native American History and Culture Essay Contest*.

Through the use of technology, all student programs are promoted through the Kids Page website. Schools are able to access information, download registration forms and report results online.

- **In 2011 there were 1,026,837 visits to the Kids Page website**

**Student Mock Election (held every even year)**

- In 2010, 24,000 students from 150 Maine schools participated at school level
- 150 students participated in mock election night activities
- Administered in conjunction with the National Student Parent Mock Election
- Endorsed by the National Association of Secretaries of State.

### **8<sup>th</sup> Grade Citizenship Awards**

- 135 schools participated in 2011
- Many schools request a legislator for presentation

### **Maine Constitution Poster & Essay Contest**

- 674 entries in 2011
- Open to all grades K-12

### **Native American History and Culture Essay Contest**

- 6 entries in 2011
- Showcases LD 291 Maine Native American Studies

Additionally, the Office of the Secretary of State:

- Conducts a **100 Year Corporation Recognition Program** which recognizes Maine businesses and non-profits that have achieved 100 years of continuous incorporation in the state.
- Continues to work to expand and enhance **online services and capabilities** throughout the department;

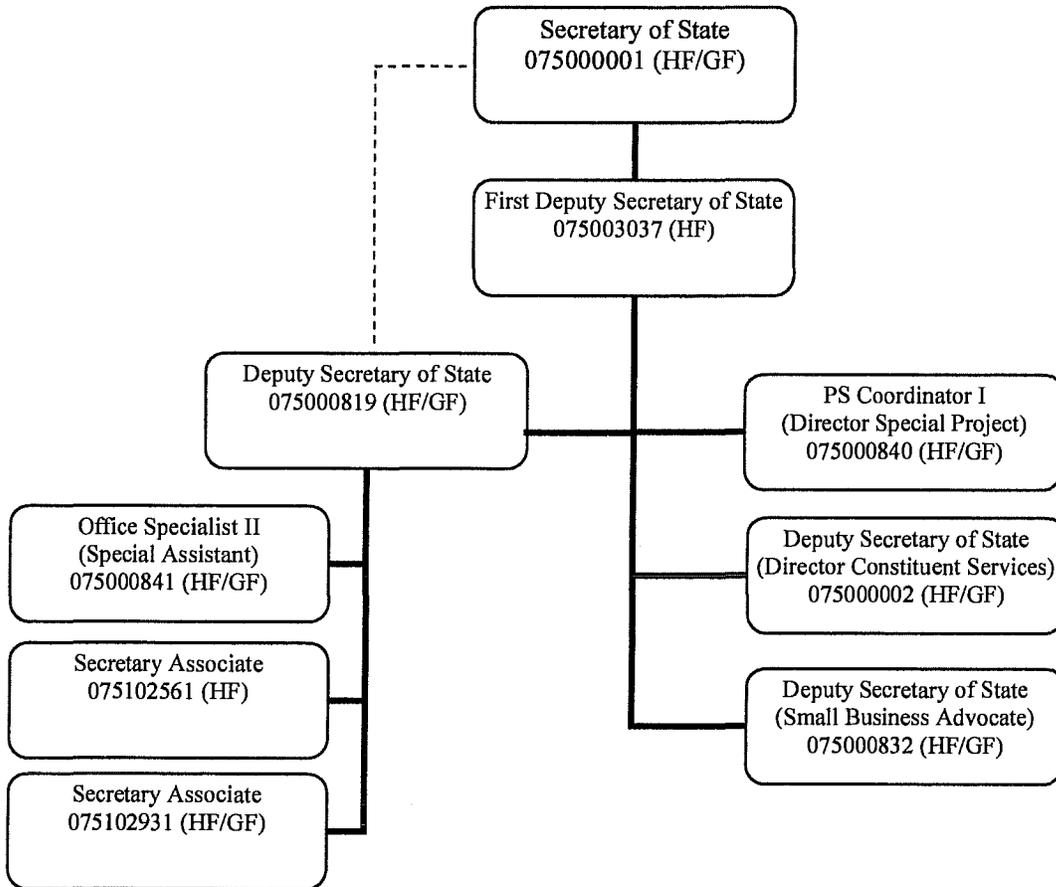
Recent initiatives include:

- ***Sesquicentennial for Schools Program***; an ongoing commemoration of the 150th Anniversary of the beginning of America's Civil War designed to increase awareness of Maine's significant contribution to the war and highlight the primary resources and holding of the Maine State Archives available to students, teachers, and researchers.

## C. Organizational Structure

The Secretary of State is elected biennially at the first session of the Legislature, by joint ballot of the Senators and Representatives in convention. The Secretary of State may appoint deputies, for whose conduct the secretary shall be accountable.

**Office of the Secretary of State – March 2012**  
**Position Count: 9**  
**(6 HF, 3 GF)**



## **BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS**

### **A. Enabling Legislation**

Maine statute provides for the relevant duties of the Bureau as follows: Title 4 (Notaries); Title 5 (Notaries, boards and commissions, the Model Registered Agent Act, and the Administrative Procedure Act); Title 10 (service and trade marks); Title 11 (Uniform Commercial Code filings); Titles 13, 13-B and 13-C (nonprofit and business corporations); Title 21-A (elections and citizen initiated legislation); Title 30-A (election of county officers); and Title 31 (limited partnerships, limited liability partnerships and limited liability companies).

There are four federal laws governing voter registration and the conduct of federal elections: 42 USC 1973gg et seq., the National Voter Registration Act of 1993 (NVRA); 42 USC 15301 et seq., the Help America Vote Act of 2002 (HAVA); 42 USC 1973 ff et seq., the Uniformed Service and Overseas Citizens Absentee Voting Act (UOCAVA); and Pub, L. 111-84, 123 Stat. 2190 (2009), the Military and Overseas Voter Empowerment Act (MOVE).

### **B. Bureau Overview, Description of Programs and Assessment of Efforts to Meet Goals and Objectives**

The Bureau of Corporations, Elections and Commissions (CEC) is charged with ensuring that Maine's state and federal elections are conducted according to the applicable laws and rules and with ensuring the accuracy and accessibility of corporate filings and other documents. The Bureau's personnel seek to provide efficient, reliable services to Maine citizens and pursue innovative ways to achieve this goal.

CEC is the repository for all records relating to over 84,000 business entities and nonprofit corporations operating in the State and over 195,000 liens filed on personal property under the Uniform Commercial Code. The Bureau also conducts all State elections, records commissions and other official State acts, and maintains a record of all State agency rules filed under the Administrative Procedure Act. It collects revenues of more than \$18,000,000 biennially.

The Bureau files all originating documents, amendments and cancellations relating to corporations, limited partnerships, limited liability companies and limited liability partnerships, and reviews proposed entity names against those on file for availability prior to filing; files annual reports disclosing officer information for all business entities and nonprofit corporations; assesses penalties for late reports; and suspends or revokes entities which fail to file.

CEC maintains over 9,200 active and inactive service and trade marks on file, and reviews the design and text of proposed marks against those on file for availability prior to filing. The Bureau also annually files over 51,000 original records and renewals of security interests in personal property under the Uniform Commercial Code and the Food Security Act.

The Bureau annually files over 76,000 annual reports on business entities, issues over 4,000 certificates of good standing on corporate entities to lending institutions and other interested parties and conducts 25,000 debtor searches on lien filings.

State elections for federal, state and county offices and statewide referenda are supervised and administered by CEC. In that capacity, Bureau staff advises election officials from over 500 municipalities, as well as more than 600 candidates and the general public about election laws and procedures.

In fulfilling these responsibilities, CEC conducts mandatory training sessions for municipal election officials; prepares, proofreads and distributes thousands of separate ballot types and other election materials; tabulates official election results; supervises recounts of contested races; oversees the application of the State's laws pertaining to candidate and citizen initiative petitions; and coordinates the statewide implementation of four federally mandated programs related to voter registration and the conduct of federal elections.

The Bureau also administers the appointment, renewal and continuing education of approximately 25,000 notaries public; administers the application process of Dedimus Justice candidates for the Governor's Office; records appointments to over 250 boards and commissions and publishes vacancy listings; maintains records of and provides electronic access to over 2,100 rules filed under the Administrative Procedure Act for all State agencies and arranges for publication of rulemaking notices; and processes authentications, apostilles and incumbencies certifying the acts of public officials.

### **Assessment of Efforts to Meet Goals and Objectives:**

The Bureau of Corporations, Elections and Commissions has developed internal indicators and tracking procedures to assess the effectiveness of programs and services in achieving the following three overarching goals:

1. Fostering public trust;
2. Advancing customer satisfaction; and
3. Enhancing productivity.

The following pages summarize the agency's assessment of performance in its major program areas of the Bureau as well as in meeting its goals to foster public trust, advance customer satisfaction and enhance productivity.

### **Division of Corporations, UCC and Commissions**

#### **Corporations and UCC Sections**

All of the services of the Corporations and UCC Sections further the functions of aiding commerce and protecting the public through disclosure of information on business and nonprofit entities which operate in Maine, as well as providing a system of notification for liens against

certain personal property. Improvements to both the filing program and the public's access to filing information have helped the Bureau meet its goals of fostering public trust in the filing program, advancing customer satisfaction (both of the filing customers and the public customers who rely on this information), and enhancing the productivity of the employees in these sections.

Maine statutes provide for the formation of certain legal entities for business and nonprofit purposes, and require the filing of documents with the Secretary of State to attain the legal status and protections offered by the entity laws. Once formed, these legal entities must maintain current information to facilitate service of process on and contact with these entities. This is done through amendment filings as certain information or circumstances change for an individual entity, and through the annual reporting process, which requires all entities to annually update the information on file regarding the management of the entity.

The UCC lien filings provide notice to financial institutions and consumers when an individual or business has offered certain personal property as security for a loan.

The filing of business entity documents with the Bureau is beyond Bureau control, in that it is solely the choice of a business entity to start a business in Maine and to choose to organize as one of the formation types that require the entity to file with our office (i.e. corporation, limited partnership, limited liability company and limited liability partnership). Similarly, the filing of UCC lien notices by financial institutions is dependent on the personal and business decisions of individuals and entities to obtain financing that is secured by personal property. Moreover, these decisions are affected by the general economic climate. Therefore, although we do not consider the number of filings processed and maintained as a performance measure, we do consider it to be important for our office to track the number of filings and to maintain a filing program that aids in efficient filing and access to public information, so that the filing program helps rather than hinders commerce.

Since the last submission of this report in FY 2003, the number of active business entity and nonprofit documents maintained has increased from 58,000 to over 84,000; an increase of almost 45%. One reason for the increase in the number of business entity filings is the Division's support and advocacy for the adoption of new entity formation laws that provide businesses with more favorable tax and liability protections. Having more favorable entity laws encourages businesses to form in Maine instead of other states. In 2003, Maine adopted the most recent version of the Model Business Corporation Act, updating Maine's law from the 1970 version of the business corporation laws. Although this was mentioned in the Department's 2003 GEA Report, the real effect of this law has been realized in the period since the last report. Subsequently, Maine became the first state to enact, in 2008, the Model Registered Agent Act, which allows registered agents for business entities to efficiently manage their required filing information. In 2011, the State adopted the Maine Limited Liability Company Act, which was based on the most recent Model LLC Act and was supported by the Maine Bar Association. This new Act is anticipated to result in more LLC's choosing to form in Maine, rather than in other states.

UCC filings increased at a more modest rate during the years since the last GEA report, from 192,000 to 195,000. This relatively small increase is primarily attributable to the 2001 adoption of Revised Article 9 of the Uniform Commercial Code, which changed the location of filing lien

notices for organized entities from the place where the collateral is located to the place where the business entity originated. (So, for example, entities that have locations and collateral in Maine, but whose organization filing is in Delaware, would file their lien notices in Delaware, not Maine.)

**The first performance measure for this section assesses the average number of days to process business entity and UCC filings and searches.** Our objective for processing UCC filings is the statutory mandate of 2 business days, while our objective for processing business and nonprofit entity filings is 5 business days. **Meeting these performance objectives has been challenging, due to the elimination of 9.5 FTE in the Bureau since FY03.**

Despite the downsizing of personnel resources, this section has been able to maintain the statutory UCC processing times for filings and searches, largely due to the very high adoption (usage) rate of online services for the UCC, which were implemented in 2001. The adoption rate for online UCC searches has increased from 96% to 99% since the last GEA report while the adoption rate for online filings has increased from about 50% to 73%; an almost 50% increase!

For business entity Annual Reports, the filing time has significantly decreased, also due to the successful implementation of an online filing program in 2003. As referenced in the last GEA report, the adoption rate for the first full year of use of the online Annual Report filing was about 52%. In 2011, the adoption rate for this service had burgeoned to 89%; a 71% increase! Prior to implementation of online filing for Annual Reports, there was a staff of 5 who manually processed and accepted the reports, entered data into the database and scanned the Annual Report to allow staff to access the information from the filing system in order to make copies or answer inquiries. The backlog for the manual process was about 10 business days. The current rate of adoption of online filing allows us to remain current (i.e. 0 days backlogged) even during the busy times, with only 2 staff, who are also cross-trained to assist with UCC filings during the off-peak times for Annual Report filings.

For original or amended filings of business and nonprofit entity documents, the average processing time has actually increased since the last GEA Report, from 3 business days to 6 business days. This is due to several factors: online services have not yet been developed for these filings, the 30% increase (previously referenced) in the number of filings processed and maintained for these filings, and the decrease in personnel resources for the Bureau generally and these sections specifically.

The development of online filings for these entity documents has been delayed primarily as a result of the need to upgrade the Bureau's internal filing database and software application. Additionally, these filings require a signature and the State has not yet adopted the rules or procedures governing digital signatures. Bureau staff is actively involved in Phase I (UCC Filings) of the internal filing program upgrade, which we anticipate being implemented by the end of calendar year 2012. Along with the filing system improvements in Phase I will be an upgrade to the regulations governing the UCC filing program and a significant upgrade to the online services that support the search and filing of UCC documents. This internal upgrade is necessary to support the new design and functions of modern online services. Phase II of the upgrade (for the Business and Nonprofit Entity Filing program) will commence immediately after completion of Phase I and will include regulatory enhancements as well as online services improvements.

**The second performance measure deals with the number of transactions involving corporate or UCC records conducted via the Internet and the amount of filing information provided on the Internet.** At the time of our last GEA Report, the Bureau was just implementing its online search for the business entity and UCC programs as well as the online filings for UCC and entity Annual Report documents. The 99% adoption rate for searches of entity and UCC information has had a significant impact on fostering public trust and advancing customer satisfaction (through 24/7 self-service access to information and copies of filings and certificates of entity existence), while at the same time enhancing productivity by allocating personnel resources to other statutorily mandated filing program activities. The 89% online filing rate for entity Annual Reports and the 73% online filing rate for UCC documents likewise helps to foster public trust and advance customer satisfaction (by allowing filers to submit filings with efficiency and accuracy at a time of their convenience), with the added benefit of enhancing productivity.

The Corporate and UCC sections use a weekly reporting format to track key indicators that provide management with the status of filings and search requests. These indicators include the number of filings and search requests processed; the number of days that filings are backlogged (i.e. processing or turnaround time); the number of documents rejected; the number of documents presented for expedited or immediate filing (with additional fees paid); and for services that have online filing components, the number of filings and searches performed manually and online.

As time permits, employees in these two sections are cross-trained in other filing functions, so that they may assist other units to complete their work. Management closely monitors these key indicators, so that a consistent turnaround time is maintained throughout the Division, and resources can be shifted to the areas that have the longest backlogs.

In addition, many of the Corporate and UCC personnel have been cross-trained to assist the Elections Section with petition certification and proof-reading of ballots. This allows the Bureau to meet the cyclical demands of elections with the small elections staff and less reliance on outside (temporary) workers.

Over the course of the past few years, the Bureau has made each of its entity filing forms available on the corporate webpage. By having the forms available in a fillable PDF format, customers can complete them online and print for signature and submission to our office. Resource pages have been added (e.g. Small Business Resources, Nonprofit Resources) to the website to facilitate the customer experience. Making these tools and resources available to new filers as they establish a business also has helped increase employee productivity as the number of calls requesting forms has been reduced significantly.

### **Commissions Section**

Prior to 2007, the Commissions program areas were combined with the Administrative Procedure Act (APA) program under the Division of Elections and Commissions. In 2007, following an internal review, the Bureau realigned these program areas so that the Commissions programs became part of the Division of Corporations, UCC and Commissions, while the Administrative Procedure Act program remained as part of the Division of Elections and APA. There is one staff

primarily assigned to conduct the filing activities for the section and other employees in the Corporations and UCC sections are cross-trained to assist during times of peak or unusual activity.

All activities of the Commissions Section relate to the support of a number of statutorily required filing programs including: review and approval of new and renewal applications for Notaries Public; maintenance of the Governor's appointments of Dedimus Justices; creation and maintenance of the signature and oath records for Notaries Public, various state officials, and appointees to boards and commissions (both as an official record and for authentication of Maine public officials on documents submitted to foreign countries); and other miscellaneous records or filings as may be prescribed by law.

Until 2011, the section also was responsible for maintaining the records of the Governor's Executive Clemency program, although the Bureau had no role or authority in this process. Because of the confusion created by its involvement, Bureau staff frequently received calls from the public regarding pending applications or submission of new applications. Following a collaborative review between the Department, the Office of the Governor, and the Department of Corrections, the records responsibilities were transferred to the Department of Corrections. This action worked to better serve the public by consolidating all clemency related processes with the Department of Corrections, while allowing the Bureau to focus its own resources on core mission requirements associated with its own statutorily mandated activities.

In 2006, the Boards and Commissions Annual Report Filing Service and the Access to Boards and Commissions Membership Data programs were developed online. In 2008, the Total Notary Solution for Notary Renewals and Profile Update was developed and incorporated online. Additionally, the application and Guide for Notaries Public are now available on the Bureau's website, which allows for a wider distribution to interested persons. Since the implementation of these three online services and inclusion of the Guide for Notaries Public online, the number of calls regarding questions or requesting materials for these programs has greatly decreased.

A related service available to the public is the Notary Public and Dedimus Justice Search available on our website. This is a free search service that allows the public to search for active Notaries Public or Dedimus Justices in their area.

The Division also assists the nonprofit group "Informed Notaries of Maine" in providing workshops on notary law and practices at various locations throughout the state as well as contributing articles to the Informed Notaries newsletter. All of these efforts in combination have helped to ensure public trust in the knowledge and accuracy of Notaries Public.

The section annually processes approximately 3,500 new and renewing Notary Public applications; files 250 annual reports of activity of boards and commissions; as well as filing a varying number of oaths for appointed public officials.

Implementation of the online filing and search programs and improving the public's access to filing information have helped the Bureau meet its goals of fostering public trust in the programs, advancing customer satisfaction (both of the filing customers and the public customers who rely on this information), and enhancing the productivity of the employees in this section.

The primary performance measures for this section are ensuring that the processing times for filings and the timeline for posting updated information relating to Notaries Public and Boards and Commissions to the Bureau's website does not exceed two business days, which the Section has consistently been able to accomplish.

## **Division of Elections and the Administrative Procedure Act (APA)**

### **Elections Section**

All of the activities of the Elections Section are in support of statutory obligations to oversee the conduct of voter registration and elections for federal, state and county offices and statewide initiative and referenda issues. The Secretary of State has the authority to develop forms and procedures necessary to carry out requirements in State and Federal election laws.

The Elections Section works to meet the goals of fostering public trust and customer satisfaction in the electoral process in several ways: by providing enhanced access to the election process; providing information on the election process to voters; training of municipal election officials in the proper performance of their duties; timely preparation and distribution to 500 municipalities of uniform ballots, forms and instructions for conducting and documenting the election; providing security procedures for election materials (i.e. ensuring chain of custody); supervising the impartial recount process according to the laws and rules; and counting and reporting of election results and other election data.

Maine's voter turnout for federal elections is consistently in the top 10 nationally. In the general elections of 2006 and 2008, Maine's turnout ranked 2<sup>nd</sup> and 3<sup>rd</sup> respectively, while in 2010 Maine's turnout ranked 1<sup>st</sup> in the nation.

The following are achievements that have helped to foster the public's trust in the elections process.

#### ***Providing enhanced access to the electoral process:***

- Since 2010, in compliance with the MOVE Act, provide uniformed service and overseas voters with the ability to submit signed voter registration applications electronically (as a scanned attachment to an email); to request absentee ballots from the Elections Section electronically using the Absentee Ballot Request service (ABR); to receive absentee ballots either electronically or by mail at least 45 days prior to each election; and to return their voted ballots electronically (as a scanned attachment to an email) or by mail to the Elections Section for central processing and counting on Election Day;
- Since 2008, provide the ABR in which the voter enters the required absentee ballot information into an online form. The ABR service then securely transmits the request to the appropriate municipal election official, or to the Elections Section in the case of applications for uniformed service and overseas voters. Each municipality has access to a secure admin site, which allows the municipal official to print a paper copy of the application and then to trigger an automated email notification to the voter that either the

request was accepted or, if the request was rejected, the reason for the rejection. The service is available 3 months before each election;

- Since 2007, in compliance with HAVA, maintain the Central Voter Registration system (CVR), which provides for uniformity of voter registration data and reports, as well as statewide access to the data by candidates, parties and campaigns;
- Since 2006, in compliance with HAVA, maintain the Inspire Vote-by-Phone Accessible Voting System (AVS) at each voting place, allowing voters with disabilities to vote with privacy and independence;
- Since 2004, in compliance with HAVA, maintain the requirements for voter registration forms and procedures, including acceptable forms of proof of identity;
- From 2003 through 2011, obtained annual grants under the Elections Assistance for Individuals with Disabilities (EAID) grant program; these funds have been used to improve accessibility of voting places statewide, and provide training and voter outreach regarding voting accessibility;
- Since 2000, offer “any-reason” absentee voting;
- Since 2000, utilize the elections mail logo on absentee ballot envelopes to provide expedited delivery of elections mail;
- Since 2000, continue to comply with the 1999 Higher Education Act Amendment by providing voter registration applications to Maine’s higher education institutions before each general election;
- Since 1995, continue to comply with the National Voter Registration Act (NVRA) by extending registration opportunities at Motor Vehicle Offices, state social service agencies, military recruitment centers, and public high schools; and
- Since 1995, provide voter registration applications and instructions to Maine high school students each fall.

### ***Providing election information to the public:***

Election information is provided to the public primarily in two ways: through maintenance of both general and election-specific information on the Bureau’s website and through instructions, guides and other voter educational materials provided to each municipality for posting at each voting place or municipal office. The following are some examples of information available on the Bureau’s website or provided to each municipality in printed format:

- Upcoming Elections webpage, which contains dates and descriptions of the elections for the current year, with links to the listing of candidate filings, as well as information on referenda (if applicable) such as the ballot questions and the Citizen’s Guide to the Referendum Election;
- Voter Information webpage, which includes a link to a look up site for the voter’s elected officials, candidates, voting place, and municipal clerk or registrar contact information; absentee voting and voter registration requirements; and information on voters’ rights under Maine law;
- Expanded UOCAVA (uniformed service and overseas voter) webpage, which provides a one-stop resource for how these voters can register to vote, request an absentee ballot, receive the ballot, return the voted ballot, and track whether the ballot has been received and accepted by the Elections Section;

- Candidate information, including the Candidate's Guide to Ballot Access and Write-in Candidate forms and instructions;
- Citizen initiative and people's veto webpage, which contains the application and instructions for circulating a petition as well as information on currently circulating efforts and their proponents;
- Laminated posters for each municipality to post in the municipal office or each voting place as required by law, including the Voter Instruction Poster, Voter Rights Poster and Election Penalty posters;
- For each election, provide to each municipality the applicable sample ballots and, for referenda elections, a copy of the Citizen's Guide to the Referendum Election; and
- Conduct projects designed to increase voter awareness and/or participation, which include:
  - Citizenship Day
  - Promote the Vote
  - Vote in Honor of a Veteran
  - Student/Parent Mock Election

***Training municipal election officials:***

- In 2010 and 2011, the Elections Section conducted two conferences and presented 7 additional 1-day training sessions in conjunction with the Maine Town and City Clerk's Association (MTCCA); which resulted in over 800 officials from over 300 municipalities being trained in 2010, and over 775 officials from almost 350 municipalities being trained in 2011;
- Since 2006, when the CVR implementation began, the Section has maintained and distributed to each municipality a printed *CVR User Guide*, which is updated each year to reflect changes in system functionality;
- Since 2003, when the mandatory biennial training requirement for clerks and registrars took effect, the Section has maintained and distributed to each municipality a printed training guide -- *Voter Registration & Elections, The Guide for Maine Election Administrators* -- which is updated each year to reflect changes in laws and procedures;
- Since 2003, the Elections Section has ensured that both the Elections Conference and the training sessions offered in conjunction with the MTCCA provide a consistent training agenda with a focus on attaining uniformity in the understanding and application of the election laws, rules and procedures governing statewide elections;
- Since 1995, the Section has provided annual summaries and copies of the election-related laws enacted by the Legislature to each municipal clerk and registrar of voters;
- Since 1995, the Section has developed written training materials for distribution to each municipality before each election and has partnered annually with the MTCCA to offer several one-day training sessions to clerks and registrars; and
- Since 1994, the Secretary of State has conducted an annual Elections Conference, which is a two-day event offering training to voter registration and election duties for clerks and registrars; in the past several years, over 300 officials have attended each day of the conference.

***Timely preparation of uniform election materials:***

- Since 2010, when the Elections Section assumed central authority for issuance of UOCAVA ballots, the Section has met the federal and state deadline to issue the ballots at least 45 days prior to each election;
- Despite the small staff in the Elections Section, ballots, forms and instructional materials are prepared according to a pre-set election calendar, and distributed according to the statutory and practical deadlines for efficient election management;
- In 2001 and 2007, the Elections Section proposed improvements to the requirements for ballot preparation, which resulted in a more uniform and accessible format for ballots; and
- Since 1996, the Elections Section has utilized a software program that provides camera-ready layouts for all ballot styles that are printed for each election;

***Providing security procedures for election materials (i.e. chain of custody):***

- In 2011, proposed an amendment to the election laws, which was adopted by the 125<sup>th</sup> Legislature, to describe the ballot security materials that must be used for each election;
- Since 1995, the Section has maintained receipting procedures for documenting the chain of custody of both absentee ballots and official ballots (used on Election Day) - from the State to the municipal clerk and from the clerk to the warden on Election Day, and from the clerk to the State in the event of a recount; and
- Since 1994, the Section has ensured the usage of tamper-proof ballot storage containers, locks and seals to secure ballots and election materials on election night, and through any recount or appeal period.

***Supervising the recount process:***

- In 2010, the Elections Section adopted Chapter 502, *Rules Governing the Conduct and Procedures for Election Recounts*, based on recount procedures that had been consistently followed since 1995.

***Counting and reporting of election results:***

- In 2010, the Elections Section implemented a new module for the CVR, to facilitate the municipalities' submission of unofficial election results to the State electronically, with the ability for the clerk to print and certify the official results from the same system. This new process streamlines the tabulation of the election results at the State level;
- In 2010, the Elections Section adopted Chapter 550, *Rules for Determining Voter Intent*, based on the previously issued guidelines; the rules were used for the first time in conducting the recounts following the November 2010 General Election;
- From 2006 to 2010, in compliance with HAVA, the Section has issued *Guidelines for Determining Voter Intent* to each municipality to ensure that ballot markings are consistently interpreted;
- Since 2003, the Section has provided to each municipality instructional labels that assist election officials in the proper segregation and designation of spoiled, void and defective ballots; and

- Since 1985, the Elections Section has designed uniform instructions and tabulation materials for municipalities to use in counting ballots.

The Elections Section has continued many initiatives aimed at increasing the productivity and effectiveness of the election staff. The Section consists of a small staff of eight full time persons. In order to meet the statutory deadlines and peak demands of the election cycle, the elections staff relies on the assistance of cross-trained employees from other parts of the Bureau. In addition, the Division is constantly reviewing laws and procedures to find administrative efficiencies.

Many of the actions completed to foster public trust in the election process have the added benefit of increasing staff productivity. For example, the creation and distribution of a permanent training guide for election officials has eliminated the need to reproduce the various memos and instructions previously sent to clerks and registrars prior to every election. The training guide is a useful reference tool for election staff as they respond to the questions posed by municipal election officials and members of the public. Likewise, the Section has provided laminated instructional posters to municipalities, which can be used for several years, eliminating the need to reproduce and distribute the posters for each election.

Previous ballot production consisted of providing the printer with information, for potentially 2,500 ballot styles per election, which had to be typeset in the prescribed ballot format. Since 1996, the Section has used a software program that produces camera-ready ballots. This process has enabled the elections staff to prepare and proofread all ballot styles prior to submission to the ballot printer, thereby eliminating several steps of proofreading.

The recent implementation of the CVR module for electronic submission of election results by the municipalities has had a significant effect on the efficiency of the Elections Section. Previously, the municipalities submitted only a paper Return of Votes Cast to the Elections Section, requiring the staff to data-enter all the results from 500 municipalities into a database and send printed verification documents to each municipality to confirm the accuracy of the data entry. Under the new system, the entry is done at the municipal level, with the signed verification printed from the data entry system by the municipal clerk, who then certifies and submits this as the official Return of Votes Cast for the election.

#### **Administrative Procedure Act (APA or State Rulemaking) Section**

All of the activities of the APA Section are in support of our statutory obligations to serve as the repository of the records of state agency rulemaking. In this capacity, the Section receives, reviews and files the statutorily required forms for rule proposals and adoptions. The rulemaking activity is generally completed by one full-time employee of the APA section, with clerical assistance provided by employees of the Elections Section as needed.

In an effort to foster public trust in the rulemaking process, and to provide more public access to agency rules, the Section maintains an online file, on the Bureau's website, with the most current version of each agency's rules. Adopted rules are generally posted within 5 business days of adoption. The posted rule includes a filing history with the dates and filing numbers for each rule.

The APA Section also is responsible for producing and distributing the weekly notices of rulemaking proposals and adoptions. The notices of rule proposals for all new or amended rules, including the date and time for public hearings, are posted on the Bureau's web site as well as published in the daily newspapers in Maine. Information regarding adopted rules is posted on the Bureau's website once a week.

In addition, since 1998, the APA Section has posted the annual regulatory agendas for each agency, allowing the public to have advance notice of rules that may be adopted or amended in the coming year.

The Section also makes available an Agency Rulemaking Guide, on the Bureau's website, to assist state agencies in proper filing of new and amended rules. In addition, all forms necessary to file rule proposals and adoptions are available on the website. The Section also has worked with the Governor's Office to make information regarding Executive Orders affecting the APA available to state agencies.

These activities aid in fostering the public trust by providing the public with access to regulations which may affect them. The primary performance measure for this section is to ensure that rule proposals received by the weekly submission deadline are prepared and published in the next week's publication (unless a later date has been requested by the agency), and that adopted rule chapters are posted within a business week of the adoption filing date.

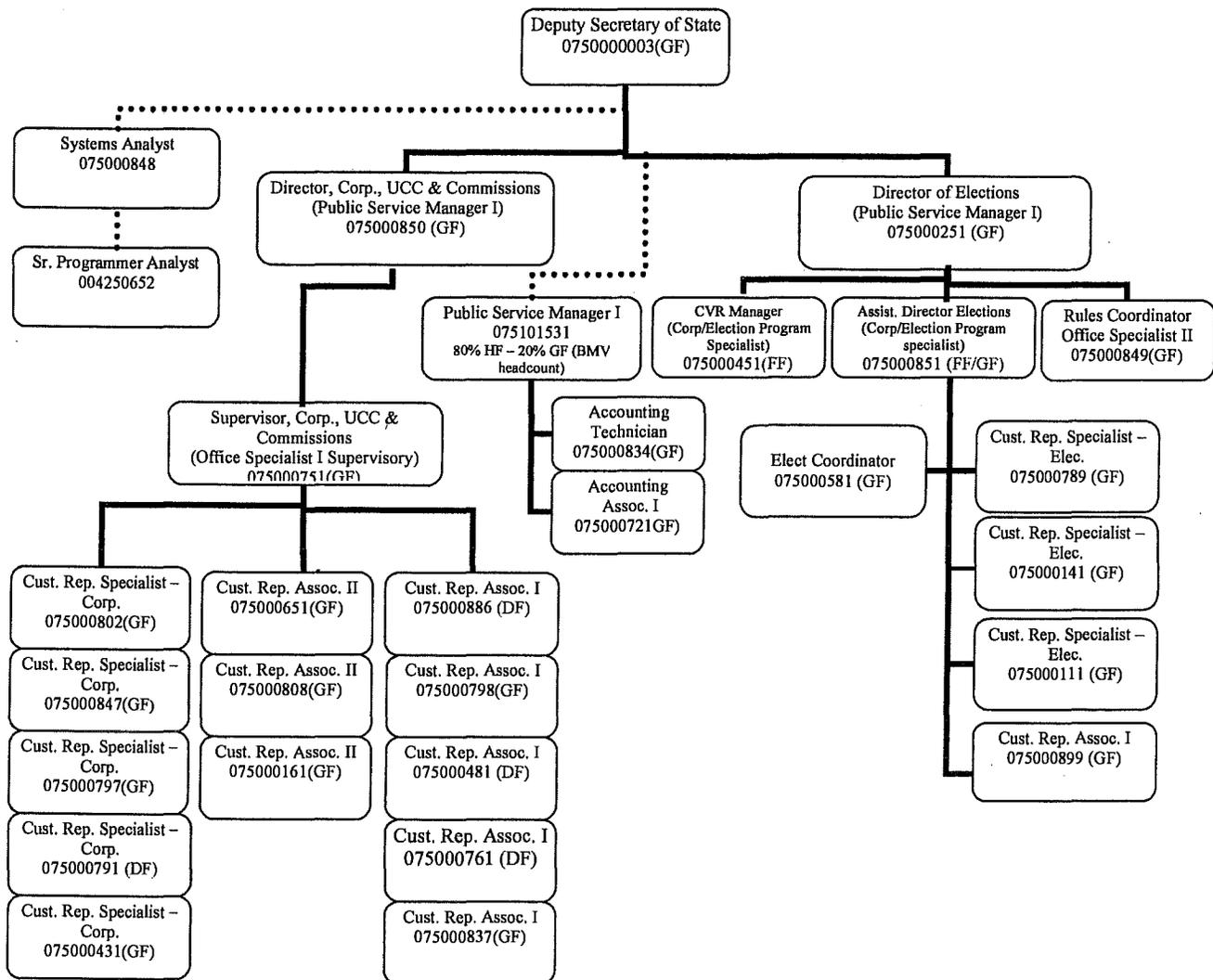
## C. Organizational Structure

The Deputy Secretary of State for CEC serves as administrative head of the Bureau and reports to the Secretary of State. The Deputy has overall operational responsibility for the Bureau. CEC is organized into two Divisions – the Division of Corporations, Uniform Commercial Code and Commissions and the Division of Elections and Rulemaking.

### Department of the Secretary of State Bureau of Corporations, Elections & Commissions

March 2012

Position Count: 29 (23.5 GF - 4 DF - 1.5 FF)



## **D. Compliance**

Following is an overview of the Department's compliance with state and federal health and safety laws, as well as affirmative action and workers compensation requirements.

**Affirmative Action** -- The Office of the Secretary of State has in place the prescribed Affirmative Action Plan, as part of its Administrative Policy Series, designed to ensure non-discrimination in all employment actions, practices, procedures, and conditions of employment; and has a designated Equal Employment Opportunity Officer responsible for monitoring the program. Additionally, the Department works closely with the State Bureau of Human Resources to consider candidates from the ASPIRE and other Special Appointment programs as part of its efforts to ensure that issues of equality in its labor force are addressed.

**Americans with Disabilities Act (ADA)** -- The Bureau of Corporations Elections and Commissions (CEC) is located on the fourth floor of the renovated Burton M. Cross State Office Building and is in compliance with the ADA for both customers and employees. Regarding online services, Department personnel maintain a website that is compliant with ADA requirements. CEC is committed to regular and thorough examinations of its facilities and services to ensure ADA compliance for the benefit of customers and employees alike.

**Occupational Safety and Health Administration (OSHA)** -- The Department has, over the long term, focused considerable attention on health and safety concerns, particularly as they pertain to issues of ergonomics. Work stations and areas are designed with strong consideration for staff comfort and safety as well as work place functionality and a program is in place to ensure that employees receive a work station evaluation at both the time of hire and whenever health related issues arise.

**Worker's Compensation** -- Generally, the number of workers compensation claims related to workplace ergonomic issues has dropped considerably as the Bureau has focused resources on preventative efforts. In fact, since 2009, only three CEC employees have had to file workers compensation claims. In each of these circumstances, the employees received updated work station evaluations and adjustments to help resolve the issues, and in no case was time missed.

As part of its proactive approach, the Bureau continues its monthly participation in a longstanding Secretary of State initiative to utilize a Labor-Management Committee to review injury reports, identify best practices, and continually update and apply industry protocols for evaluating employee workstations and environments.

## **E. Financial Summary**

*(See Financial Summary on next two pages.)*

**DEPARTMENT OF SECRETARY OF STATE  
BUREAU OF CORPORATIONS, ELECTIONS, AND COMMISSIONS**

General Fund - Administrative Services and Corporations

**Allocations**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
Pers Svcs -	1,955,425	2,018,565	1,880,725	1,971,717	1,845,661	1,836,852	2,116,460	1,925,488	1,727,900	1,719,936
All Other -	916,830	1,104,472	878,400	736,507	677,163	682,059	740,500	714,353	901,952	727,036
Capital -	0	25,758	0	0	0	18,600	0	0	0	0
<b>Totals -</b>	<b>2,872,255</b>	<b>3,148,795</b>	<b>2,759,125</b>	<b>2,708,224</b>	<b>2,522,824</b>	<b>2,537,511</b>	<b>2,856,960</b>	<b>2,639,841</b>	<b>2,629,852</b>	<b>2,446,972</b>

**Expenditures**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
<b>Totals -</b>	<b>2,586,747</b>	<b>3,044,267</b>	<b>2,703,302</b>	<b>2,401,034</b>	<b>2,485,567</b>	<b>2,522,488</b>	<b>2,661,500</b>	<b>2,620,635</b>	<b>2,610,709</b>	<b>2,407,113</b>

**Revenues**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
<b>Totals -</b>	<b>5,851,426</b>	<b>5,849,746</b>	<b>6,214,983</b>	<b>8,731,548</b>	<b>9,706,478</b>	<b>9,934,032</b>	<b>10,004,219</b>	<b>9,813,180</b>	<b>10,026,069</b>	<b>10,312,968</b>

**DEPARTMENT OF SECRETARY OF STATE  
BUREAU OF CORPORATIONS, ELECTIONS, AND COMMISSIONS**

Dedicated Revenue Account

**Allocations**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
Pers Svcs -	146,923	94,374	154,970	166,128	155,003	168,717	185,506	198,558	208,425	219,385
All Other -	307,796	166,024	12,989	44,248	25,954	69,006	60,513	21,685	13,885	88,885
Capital -	23,000	36,556	0	3,700	20,000	0	0	0	0	0
<b>Totals -</b>	<b>477,719</b>	<b>296,954</b>	<b>167,959</b>	<b>214,076</b>	<b>200,957</b>	<b>237,723</b>	<b>246,019</b>	<b>220,243</b>	<b>222,310</b>	<b>308,270</b>

**Expenditures**

			<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
<b>Totals -</b>	<b>336,671</b>	<b>273,973</b>	<b>101,443</b>	<b>155,798</b>	<b>170,221</b>	<b>226,412</b>	<b>201,147</b>	<b>213,521</b>	<b>158,028</b>	<b>232,980</b>

**Revenues**

			<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
<b>Totals -</b>	<b>248,889</b>	<b>197,927</b>	<b>199,929</b>	<b>211,341</b>	<b>219,956</b>	<b>204,841</b>	<b>250,024</b>	<b>192,671</b>	<b>205,230</b>	<b>205,952</b>

## **F. Regulatory Agenda and Summary of Rules Adopted**

The Regulatory Agenda for 2011-2012 is attached in the appendix of this report.

### **The Bureau adopted the following new rule during the last regulatory year:**

**Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots.** This rule facilitates voting by uniformed service voters and overseas voters in compliance with the federal Military and Overseas Voter Empowerment Act (“MOVE Act”), and Title 21-A, Maine Law on Elections, which authorizes the Secretary of State to centrally issue, receive and count absentee ballots for uniformed service voters and overseas voters. This rule establishes procedures for the central issuance and processing of absentee ballots, including procedures to provide for the examination, counting and storage of ballots in the same manner as regular absentee ballots that are issued by municipal election officials.

## **G. Interagency Cooperation**

CEC works cooperatively with a number of state and federal agencies on a variety of matters dealing with corporations, UCC filings and elections. Specifically, CEC cooperates with the following agencies to carry out its responsibilities:

### Internal Revenue Service (IRS):

- to file paper Federal Tax liens;
- amend the Uniform Lien Registration Act; and
- develop informational materials for business entities and nonprofit corporations.

### Governor’s Office

- to produce and process the qualification paperwork for appointments to state boards and commissions, Dedimus Justice appointments, and to provide information on the status of vacancies;
- provide proclamations of election results for Governor’s signature; and
- process and maintain proclamations generally.

### Office of the Revisor of Statutes:

- to process citizen initiative legislation, and respond to proponents with suggestions to bring their legislation into conformance with the Maine Revised Statutes Annotated.

### Department of Administration and Financial Services:

- to provide a list of boards and commissions that are delinquent in filing annual reports, so the Commissioner can suspend reimbursements until the reports are filed.

### Maine Revenue Service (MRS):

- to file electronic State tax liens.

Department of Attorney General (AG):

- to address issues related to mutual or public benefit nonprofit corporations;
- obtain legal advice pertaining to filing assistance for corporations and UCC activities;
- obtain legal advice on interpreting state and federal election laws and procedures;
- produce the Citizen's Guide to the Referendum Election (the AG provides a description of the Intent and Content of each ballot question, and an explanation of what a "Yes" and "No" vote means); and
- to prepare for and conduct statewide recounts.

Department of Human Services (DHS):

- to file child support related liens; and
- to assist them with providing voter registration opportunities for the agency's clients.

Department of Economic and Community Development (DECD):

- to file business grants-related liens and information for doing business in Maine.

Department of Labor (DOL):

- to file unemployment compensation related liens.

Department of Professional and Financial Regulation (DPFR):

- to review filings relating to financial institutions and insurance companies, and obtain approval on names of these entities before filing.

Department of Public Safety:

- in the retrieval, return and secure storage of ballots and other material from municipalities in cases of election recounts. The State Police personnel retrieve and return election materials, and provide facilities for secure storage and conduct of the recounts.

Department of Transportation:

- to respond to inquiries and provide information on the laws regarding placement of political signs in the state's rights-of-way.

State Treasurer's Office:

- to obtain the "Treasurer's Statement" summary for printing in the Citizen's Guide to the Referendum Election and for informational postings for each voting place; and
- to annually certify documents for the State's Bond Counsel to facilitate issuance of bonds.

Workers' Compensation Board:

- to suspend or administratively dissolve business entities that do not comply with workers' compensation laws.

Law enforcement agencies:

- to provide copies of corporate and UCC documents.

### All State Agencies

- to assist in proposing or amending rules and filing their annual regulatory agendas.

## **H. Constituencies**

CEC serves a broad array of constituencies. With regard to Corporations and UCC matters, primary constituencies include the financial, legal and business communities, as well as state and federal agencies and the general public.

Regarding commissions, constituencies include other state agencies, persons appointed to state boards and commissions and persons commissioned as notaries public, as well as the general public.

In the area of elections, constituencies include municipal clerks, registrars of voters and municipal officers, candidates for public office, issue advocacy organizations, and the voting public.

Regarding state rulemaking, constituencies include other state agencies, the legal and business communities, as well as the general public.

## **I. Alternative Delivery Systems**

As previously noted, Department personnel focus on the efficient delivery of services to the public. As part of that effort, substantial strides have been made to enhance citizen access to government information and services through the Internet. In 2011, the Elections section of the Department's website was visited 466,778.

Examples of online information and services through CEC are noted below:

**Election Information and Tabulations** -- Election information is always available to the public through the Department's website ([www.maine.gov/sos](http://www.maine.gov/sos)). Vote tabulations from the statewide elections since 1990 can be obtained, along with details about any upcoming elections. During the candidate petition filing period, a list of candidates who have filed petitions to qualify for the ballot is updated and posted daily. The Department's Upcoming Election Page registered than 13,692 visits during the months of September and October 2011, in advance of the November referendum election.

**Maine Citizen's Guide to the Referendum** -- The web version of the Maine Citizen's Guide to the Referendum Election reaches more individuals than the printed version. CEC prints and distributes approximately 2,500 paper copies of the Citizen's Guide each election. By comparison, the online version prepared for the November, 2011 referendum election was downloaded 2,865 times during the two months preceding the election. The web offers a more cost-effective and far reaching delivery mechanism.

**Online Citizen Initiative and People's Veto Packets** --Information pertaining to the citizen initiative process is readily available online, including the application and filing requirements. There also is a list of currently circulating citizen initiatives and people's veto petitions, which includes proponent information. This service has reduced the number and duration of calls received in the Division of Elections and APA, and has been useful in answering questions from the public and media.

**Online Absentee Ballot Request Service (ABR)** -- Starting 3 months before each election, voters are able to request an absentee ballot through this online service. The service provides automated email notifications to the voter confirming the application was received, whether the application was accepted or rejected and informing the voter when the ballots will be available. A fillable PDF version of the absentee ballot application also is available for use by people who are not yet registered to vote, as their requests must have a signature and cannot be completed online. An average of almost 8,200 absentee ballots were requested using the ABR for the November elections from 2008 through 2011.

**Maine Voter Guide and A Guide to Absentee Voting in Maine** -- Posting this information on the web have allowed CEC to produce far fewer printed versions. These webpages were visited over 10,000 times in the two months preceding the November 2011 referendum election. At the same time, this alternative delivery mechanism has allowed more people to access the information.

**Voter Registration and Other Election Data** -- The Department created a new website that includes a variety of election-related data in order to more efficiently provide this data to interested persons. Data available on this page is presented in its raw format, and includes reports of statewide registered and enrolled voters, which is the record how many people are registered to vote as of a certain date, and is detailed to the county, municipality, voting districts and party level. Additionally, statewide absentee voter lists from recent elections are available as well as an updated list of voting places for each municipality. This page includes information and request forms for obtaining voter registration data from the Central Voter Registration system, facilitating the application process for persons eligible to request and receive this data. Finally, the site includes the Department's voter registration application distribution policy and the template for the Maine Voter Registration Application for persons interested in conducting voter registration drives in Maine.

**Contact Information for Municipal Clerks and Registrars** -- Posting this information on the web has eliminated a need to produce mailing labels from CEC's database for citizen initiative groups, advocacy groups and candidates wishing to contact each municipality. This information is updated at least monthly as municipal officials revise their contact data in the Central Voter Registration system.

**Notary Application and Guidebook** -- Online access to notary information and applications has substantially reduced the number of paper copies being mailed to the public. Also, having the notary database searchable on the web has eliminated the need to print lists of notaries or search in-house for notaries in response to public inquiries. Likewise, having the change of name and address forms available online has reduced the number of telephone inquiries and responses to

providing paper forms. In 2011, the information provided on the Notary website was viewed 125,834 times and 43,983 documents were downloaded.

**Online Business Applications and Services** -- With the assistance of InforME, the Bureau offers many innovative applications that enable Maine citizens and businesses to access services 24 hours a day, 7 days a week over the Internet at [www.sosonline.gov](http://www.sosonline.gov) or [www.maine.gov/sos](http://www.maine.gov/sos). Online CEC services have been recognized and honored.

Examples of Corporations and UCC services offered online are noted below:

- All forms that may be filed with the Division are available on our website in a fillable PDF format that can be completed online, printed and mailed to the Division;
- Bulk data and image downloads are available to constituencies served by the Division;
- Under the umbrella of “Interactive Corporation Services” and “The Total UCC Solution”, the constituencies served by the Division have access to information in the Division’s database or can file electronically:

<u>Corporate Name Search and Related Services</u>	(Free/Fee)
Search by name or charter number	(Free)
View information summary for an entity	(Free)
View list of filings	(Free)
Download Certificates or copies of filings	(Statutory Fee)

<u>Document Copy Retrieval Service:</u>	(Free)
Retrieve a copy of a document previously downloaded within the last 15 days	

<u>Annual Report Filing</u>	
File a single Annual Report	(Statutory Fee)
Manage and File Multiple Annual Reports	(Subscriber Service Only)

<u>Preprinted Annual Report</u>	(Free)
Create a preprinted Annual Report for your entity to file on paper with our office	

<u>UCC Search or UCC Filing</u>	(Statutory Fee)
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<u>Authentication Service</u>	(Free)
Verify the authenticity of a certified document retrieved from UCC Search.	

In 2011, the corporate information web pages received 853,522 visits.

## **J. Emerging Issues**

**Improvements to Rulemaking Website** -- Chapter 380 of the Public Laws of 2011 charged the Agency with developing and implementing a plan to improve the publicly accessible website used for the posting of rule proposals and adoptions, to make it more user-friendly and searchable and to include archival capability. The Agency is currently in the first phase of this project, which is the development of a database capable of tracking rulemaking activity by agency, rule chapter and date.

**National Review of Amendments to Article 9 of the UCC** -- The International Association of Commercial Administrators is examining the impact of the changes emerging from the UCC Article 9 Revisions that were adopted by the National Conference of Commissioners on Uniform State Laws. These amendments include form changes and guidance regarding the proper format for individual debtor names.

**Ongoing Funding for Election Infrastructure.** As a result of the enactment of HAVA, the State was required to implement and maintain a number of new election initiatives including the Central Voter Registration System and the Accessible Voting system. Although federal funding was provided to the State to implement these new programs, it appears unlikely that ongoing federal funding will be made available, thus making it the responsibility of the State to fund the ongoing maintenance of these systems. Additionally, the State is facing the need to replace aging optical scan voting equipment that is currently used by approximately 125 municipalities statewide. The Agency plans to issue an RFP to purchase new equipment later this year. The State also may wish to incorporate new technologies for voter registration and absentee voting processes, as well as to help municipalities upgrade voting booths and other voting infrastructure at the voting places statewide. All of these projects will be dependent on identifying ongoing funding for elections.

**K. Other Information Specifically Requested by the Committee**

None requested.

**L. Comparison of Related Federal Laws**

The Secretary of State has been designated in Title 21-A, Maine Law on Elections, as the coordinator of the state's responsibilities under the following federal laws:

**Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)** -- Provides federal definitions of uniformed service voters and overseas voters, and encourages states to adopt consistent laws to facilitate voting by these persons. Maine has enacted several sections of Title 21-A to implement the requirements of UOCAVA, specifically in the area of absentee voting provisions.

**National Voter Registration Act of 1993 (NVRA)** -- Requires voter registration to be offered at motor vehicle offices and certain social service agencies as designated by each state. Also requires each state to ensure that there is a systematic, nondiscriminatory method of voter list maintenance that removes the names of voters who have died or moved to another jurisdiction. Requires a biennial report of the Secretary of State on the number of new registrations and changes of registration (name or address) received via each registration source. Maine enacted enabling state laws in Title 21-A to assist in the implementation of the requirements of the federal law.

**1999 Amendments to the Higher Education Act of 1965** -- Requires each state to provide voter registration applications before each general election to all higher education institutions that participate in federal student aid programs.

**Help America Vote Act of 2002 (HAVA)** -- Requires each state to maintain a statewide central voter registration system (i.e. the CVR, in Maine) and to provide voting equipment in each voting place that allows persons with disabilities to vote with privacy and independence. Maine enacted enabling state laws in Title 21-A to assist in the implementation and maintenance of the requirements of HAVA.

**Military and Overseas Voter Empowerment Act (MOVE)** – Requires each state to provide uniformed service and overseas voters (i.e. UOCAVA voters) with the option to receive voting information and applications electronically, including voter registration applications, absentee ballot applications and blank absentee ballots. Absentee ballots that have been requested more than 45 days before an election must be provided to the UOCAVA voters, either by mail or electronically as designated by the voter, at least 45 days prior to the election. Maine enacted enabling state laws in Title 21-A, as well as rules, to assist in the implementation and maintenance of the requirements of MOVE; and centralized the responsibility for issuance, receipt, processing and counting of UOCAVA ballots with the Secretary of State.

#### **M. Use of Information Technology and Personal Information**

As noted previously, CEC works in conjunction with InforME to offer extensive online services. These services have been carefully developed in accordance with both State and InforME policies and guidelines, and with full attention paid to fair information practice principles. The Bureau does not collect personal data through this process although information may be provided on corporate and UCC filings.

#### **N. List of Reports**

A list of reports, applications and other paperwork required to be filed with the Bureau by the public is included in the appendix. Primarily, the list contains forms required or permitted to be filed with the Division of Corporations, UCC and Commissions when an entity either wishes to be recognized as a legal entity or needs to change information required to be filed by law.

For all entities, the Division has created, amended or eliminated forms as the laws changed over the years. The Division makes all forms available on its website in a fillable PDF format that can be completed on screen, printed, signed, and submitted to the Division.

The statutory authority of the Division is ministerial. The forms have been designed, with input from the Maine Bar Association, to allow the clerical-level staff to conduct a ministerial review of the filings (rather than a legal review that is outside the scope of the Division's responsibility). Therefore, for each filing requirement, a unique form has been specifically designed to capture required information. To the extent possible, forms have been combined to reduce duplication. The use of simplified forms reduces the rejection rate of documents, and makes it easier for customers to file without legal assistance.

## MAINE STATE ARCHIVES

### **A. Enabling Legislation**

Enabling legislation pertaining to the Maine State Archives is found in Title 5, Chapter 6.

### **B. Bureau Overview and Description of Programs**

The Maine State Archives serves State and local governments by providing a professional archival program to preserve over 100 million pages of Maine's permanently valuable government records for use by government officials and the public, and by providing records management services for the efficient administration of government records including microfilming and photographic services for preserving/copying 2 million pages of selected material per year.

The Archives establishes standards and procedures governing the creation, use, maintenance, retention, preservation and disposal of State records. Assistance is provided to the Executive, Legislative and Judicial branches of State government, as well as county and municipal governments, in making their operations more efficient and economical.

This is accomplished with modern records management techniques: establishing disposition schedules under which agencies may systematically destroy records having no permanent value to the State; providing technical assistance in a variety of specialized fields such as files, forms, general records management procedures, and office equipment management; by providing centralized storage facilities for over 140 million pages of records that must be retained temporarily, but which need not be maintained in higher-cost office space; and by providing or overseeing retrieval services of those records.

The Maine State Archives acts as a laboratory to ensure that filming and imaging of State records meets established quality standards.

Archival services provided by the Archives include selecting and preserving records of permanent value to the State, and applying techniques designed to make these records readily accessible for use by the public and by government officials. The techniques include identifying and arranging records; developing inventories, guides, and database indexes to records; directly assisting in-person reference requests and telephone, mail and e-mail requests; providing on-line access to index databases and selected records; maintaining security to protect records from theft or damage; and publishing or reproducing selected records having public demand.

To improve public understanding of the value of historical records, both governmental and private, the Archives supports initiatives such as attracting federal funds for the preservation of historical records; coordinating National History Day competition for grades 6-12 to enhance student use and appreciation of historical records; and belonging to the National Association of Government

Archivists and Records Administrators and the Council of State Archivists, who promote the appreciation of historical records and advocate for federal support of state archives needs.

### **Archives Goal:**

Preserve and protect the official records of Maine's state and local governments through efficient records retention processes and ensure the integrity and accessibility of these public records to Maine citizens.

### **Archives Objective:**

Increase the efficiency of the Archives to preserve, protect, and provide access to the public records in its custody and achieve customer satisfaction with the services of the Archives.

### **Archives Strategy:**

Oversee and manage the collection, storage and disposition of public records and provide convenient public access to these records.

### **Proper Storage of Permanently Valuable (Archival) Records**

- Environmental -- Maintain temperature at 70°F and relative humidity at 50%, with fluctuations of less than 5° and 5% to inhibit mold growth and mildew. Protect archival records from insects and other pests which can cause damage to, and information loss from, archival records.
- Security -- Ensure against unauthorized entry to areas where archival material is maintained to prevent theft and unauthorized access to confidential records.
- Space Management -- Provide adequate space for records storage/growth for the next 50 years.

### **Storage of Official Records for Administrative Efficiency**

- Environmental -- Maintain an environment suitable for long-term (5-80 years) storage of paper records (no sudden, drastic changes in temperature; maintain relative humidity between 45% - 55%).
- Security -- Maintain proper physical security for the records.
- Space Management -- Destroy at the appropriate times those records with no permanent value.
- Cost-Effectiveness -- Provide low-cost storage for low-reference records. Microfilm State records that need to be reduced in bulk for long-term storage; that must be duplicated for security/vital records purposes; or that are to be referenced through a computer-assisted retrieval system.

### **Administrative Support to Operating Divisions**

- Cost-Effectiveness -- Ensure that the Archives efficiently and effectively meets its mandates: identifying, receiving, maintaining, and providing access to the permanently valuable official records of the State; and administering a program for the economical and efficient management of State records.
- Develop and coordinate the financial, physical, mechanical, and human resources necessary to accomplish these objectives and special projects.

### **Provide Access To Archival Records**

- Qualified Staff -- Attract and retain qualified staff with knowledge of archival principles and of the holdings of the Maine State Archives.
- Physical Facilities -- Maintain a Research Room as the physical facility in which original records may be used, under supervised conditions, according to regulations providing for the security and protection of materials. Provide readers, printers, and digital conversion for records on microfilm.
- Internet -- Post indexes to, and selected copies of, archival records on the Internet.

### **Provide Access to Records Stored for Administrative Efficiency**

- Attract and retain qualified staff with knowledge of records management principles and of the holding in the State Records Center.
- Retrieve stored records for the creating agencies, or assist these agencies in performing their own retrievals, providing routine reference service within 24 hours of receiving a request; emergency reference service on an as-soon-as-possible basis; and escort clients who elect to visit the Records Center in person.
- Re-file records that have been retrieved, used and returned to the Records Center for further storage.

### **Acquisition of Archival and Records Center Material**

- Bring permanently valuable records into appropriate storage.
- Transfer from higher-cost office space to lower-cost Records Center storage seldom-referenced records awaiting destruction.

### **Active Preservation Of Long-Term and Permanently Valuable Records**

- Original Records – Repair/rehabilitate deteriorating records, and maintain records in conditions that will ensure their survival.
- Security Copies – Electronically digitize or microfilm heavily used records to restrict handling of originals.

### **Identification and Intellectual Control of Official Records**

- Identify Permanent Records --Identify permanent records to be properly cared for while active and be transferred to the Maine State Archives when no longer of use to their

creators. Preserving records that have been born digital (electronic) is an increasingly urgent priority.

- Retention for Access -- Protect public access rights and reduce unnecessary records storage costs by establishing appropriate retention periods for non-permanent records.

#### **Provide General, Public Information About Holdings and Policies**

- Encourage research using State governmental records for the public benefit and for individual purposes, such as researching family history and exercising personal rights.
- Provide general information about the material in the Archives and the time and methods for access.
- Provide detailed information about significant records with potentially high demand.

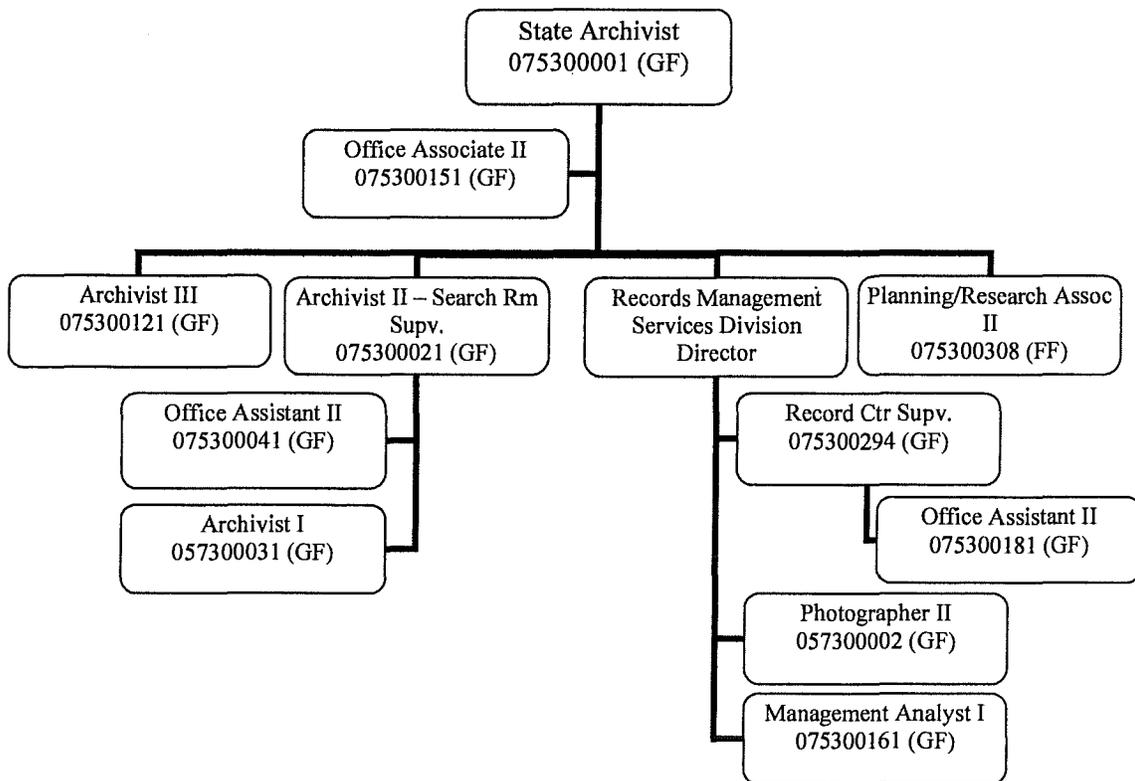
#### **Support for Historical Records Needs Throughout Maine**

- Establish priorities and recommendations for the coordinated effective preservation of important historical manuscripts, maps, photographs, correspondence, and other important records reflecting the State's cultural heritage, including official government records held in private repositories.
- Obtain funding from State, federal and private sources to preserve, and provide access to these records. Review preservation and access proposals based on these priorities. Make funding recommendations to the National Historical Publications and Records Commission (NHPRC) for large and small-scale projects.
- Make funding decisions for proposed smaller projects supported by State or federal resources.

## C. Organizational Structure

The State Archivist is appointed by the Secretary of State and subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government and to confirmation by the Legislature. The State Archivist holds office for a term of 6 years from the date of the appointment and until a successor has been appointed and qualified.

**Maine State Archives  
January 2012  
Position Count: 12 (11GF – 1FF)**



## **D. Compliance**

The Maine State Archives is accessible through automatic doors with no steps or internal barriers. It is in compliance with State and federal requirements. See section D from CEC portion of this report for additional information about the Department's compliance measures and efforts.

## **E. Financial Summary**

*(See Financial Summary on next two pages.)*

**DEPARTMENT OF SECRETARY OF STATE  
BUREAU OF ARCHIVES**

General Fund - Administration

**Allocations**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
Pers Svcs -	689,562	711,442	720,806	765,638	817,101	788,258	805,557	810,918	743,354	683,379
All Other -	167,833	172,752	86,181	75,746	75,258	77,875	77,737	77,389	74,311	73,680
Capital -	72,037		0	0	0	0	0	0	0	0
<b>Totals -</b>	<b>929,432</b>	<b>884,194</b>	<b>806,987</b>	<b>841,384</b>	<b>892,359</b>	<b>866,133</b>	<b>883,294</b>	<b>888,307</b>	<b>817,665</b>	<b>757,059</b>

**Expenditures**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
<b>Totals -</b>	<b>917,928</b>	<b>879,109</b>	<b>801,553</b>	<b>840,790</b>	<b>888,399</b>	<b>862,591</b>	<b>876,406</b>	<b>884,366</b>	<b>808,764</b>	<b>750,957</b>

**Revenues**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07*</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
<b>Totals -</b>	<b>25,492</b>	<b>26,449</b>	<b>28,948</b>	<b>19,945</b>	<b>13,848</b>	<b>1,362</b>	<b>2,674</b>	<b>941</b>	<b>(86)</b>	<b>21</b>

\* Beginning in FY207, the revenue line for Lab Services Rendered (2622) was no longer collected through through this account.

**DEPARTMENT OF SECRETARY OF STATE  
BUREAU OF ARCHIVES**

Dedicated Revenue Account

**Allocations**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
Pers Svcs -	4,852	10,873	28,941	35,631	37,728	37,487	34,007	34,527	24,534	415
All Other -	50,394	30,810	24,801	35,477	21,850	30,600	36,341	17,730	24,030	42,730
Capital -	0	0	0	0	0	15,000	0	0	0	0
<b>Totals -</b>	<b>55,246</b>	<b>41,683</b>	<b>53,742</b>	<b>71,108</b>	<b>59,578</b>	<b>83,087</b>	<b>70,348</b>	<b>52,257</b>	<b>48,564</b>	<b>43,145</b>

**Expenditures**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
<b>Totals -</b>	<b>54,602</b>	<b>35,562</b>	<b>23,365</b>	<b>37,780</b>	<b>25,266</b>	<b>49,813</b>	<b>26,853</b>	<b>8,066</b>	<b>1,761</b>	<b>29,217</b>

**Revenues**

	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
<b>Totals -</b>	<b>43,256</b>	<b>31,589</b>	<b>34,006</b>	<b>32,152</b>	<b>25,437</b>	<b>42,169</b>	<b>26,746</b>	<b>30,976</b>	<b>33,920</b>	<b>26,240</b>

## F. Regulatory Agenda and Summary of Rules Adopted

### 2011 - 2012 Regulatory Agenda

AGENCY UMBRELLA-UNIT-NUMBER: 29-255  
AGENCY NAME: Maine State Archives

CONTACT PERSON: David Cheever, 84 State House Station, Augusta, ME 04333-0084. Tel: 207-287-5790. E-mail: David.Cheever@Maine.gov

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None**

EXPECTED 2011 - 2012 RULE-MAKING ACTIVITY:

**CHAPTER 10:** Rules for Disposition of Local Government Records

STATUTORY BASIS: 5 MRSA §95-B ¶7

PURPOSE: These rules set retention periods and provide disposition authorization for the records of local government agencies. They will be amended to provide retention periods and disposition authorization for records not now covered; clarify standards for approval of alternative repositories for local government records; clarify standards for use of commercial records centers to store local government records; clarify standards for records vault construction, clarify media suitable for retention of permanently valuable records; and clarify procedures for destruction of local government records. The section concerning disposition of school records will be reformatted and retention periods for these records will be clarified and in some cases changed.

SCHEDULE FOR ADOPTION: Fall 2012.

AFFECTED PARTIES: Municipal and County officials; school and special district officials; general public seeking access to these records; nonprofit organizations such as libraries and historical societies, which may be designated as alternative repositories for local government records; operators of commercial records centers.

## G. Interagency Cooperation

The Maine State Archives works with state and federal agencies on matters dealing with the preservation of historic, sensitive, and culturally significant public records. The Archives cooperates with:

Maine Cultural Affairs Council:

- (Maine State Library, Maine State Museum, Maine Arts Commission, Maine Historic Preservation Commission, Maine Historical Society, and Maine Humanities Council,) on the New Century Community Program of grants to community organizations.

Maine State Library:

- sharing family research files and assorted collections of historic documents and maps.

Maine State Museum:

- providing photographic services and production of prints, negatives, and brochures.

National Historical Publications and Records Commission:

- securing funding to assist organizations to preserve and provide access to historical records. The relationship with NHPRC, an agency of the National Archives, is assisted by the Maine Historical Records Advisory Board. As a result of this relationship, the Archives and the Board have received over \$600,000 since 1991. In addition, the Archives and Board have assisted other Maine institutions (colleges, libraries, historical societies) in receiving an additional \$3,754,000 from federal agencies and foundations.

The National Endowment for the Humanities:

- establishing and maintaining the Maine Newspaper Project, which identifies, catalogs and, to the extent funding is available, arranges for the microfilming of historic Maine newspapers.

<b>H. Constituencies</b>
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**Archives Services Program**

*Family history amateur researchers.* The greatest number of researchers at the Archives and using the Internet, e-mail, telephone and U.S. mail services are citizens seeking information about their ancestors and relatives. During the past decade, we have experienced a substantial shift to Internet use and a desire to access Archives databases.

*Professional genealogists.* These individuals are paid by others to conduct family history research. While a smaller number than the amateurs, each conducts more research and spends more time at the Archives. Most use computer programs to record their research and to create reports for their clients.

*Academic researchers.* Though unpredictable, academic researchers such as graduate students, historians, authors place substantial demands on staff time in locating, retrieving, and copying public records.

*State government staff.* Staff of the Legislature and the Attorney General's Office use archival records in researching legislative intent, finding early legislation, and retrieving court cases, and criminal case files.

*Local history researchers.* Representative of local historical societies, towns, or teachers will seek information about town history, veterans from their communities, maps, photographs, laws affecting the town.

**Records Management Services Program**

*All State agencies.* Regardless of changes in media (paper, film, digital) or format (moving images, photographs, databases), all State records must be retained or destroyed according to legally binding rules established by statute, the State Archives, and the Archives Advisory Board. The Records Management staff assists agency staff in complying with these requirements. The State Records Center maintains approximately 140 million low-use State records in off-site

storage to relieve the pressure on higher-value office space. Records are retrieved for the agencies with the assistance of our staff.

*Local governments.* All local governments must retain or destroy their records as required by the *Rules for the Disposition of Local Government Records*. Our staff provides advice on records management options and on the application of the rules. Local officials offer proposals to adjust the rules for administrative convenience.

*Historical societies.* Local institutions, such as historical societies and libraries, may be approved as alternative repositories for local government records. Records Management staff reviews applications to insure environmental, security, and access provisions are adequate, and then makes a recommendation to the Archives Advisory Board.

### **Historical Records Program**

*Large historical records institutions.* Institutions such as colleges, libraries, large historical societies and museums seek federal funding for large-scale (\$50,000-\$450,000) historical records preservation and access projects. The Maine Historical Records Advisory Board provides advice about application procedures, areas of interest for funding, and critical reviews of draft proposals. The Board provides recommendations to the National Historical Publications and Records Commission.

*Medium to small institutions and local governments.* Through a series of federal grants, and occasional State funds, the Archives has provided advice, training, and small grants to these entities for the preservation of, and access to, their historical records.

### **Maine National History Day**

*Maine students and teachers.* This volunteer program provides an opportunity for students to exhibit understanding of historical research through the use of primary sources. The annual contest assesses students through performances, research papers, exhibits, or documentaries (videos, digital moving images, computer presentations).

#### **2011 participation:**

- Approximately 250 students, 143 entries
- State competition at the University of Maine at Augusta
- Winners qualify to attend the national competition

## **I. Alternative Delivery Systems**

**Internet** -- The Maine State Archives has millions of records or indexes of records on the Internet. This outlet allows researchers to determine whether the Archives has the material they are seeking and to obtain certain summary information directly. In 2011, there were 572,695 visits to the Archives website.

**Private and other public institutions** -- The Archives distributed over 500,000 documents on microfilm records to seven institutions across the state: The State Library, University of Maine at Presque Isle; Fogler Library at the University of Maine, Orono; Penobscot Marine Museum,

Searsport; Maine State Library, Augusta; Maine Historical Society, Portland; Portland Public Library, Portland; Springvale Public Library, Springvale Village, Sanford.

## **J. Emerging Issues**

### **New Archives and Records Center**

The Department of Secretary of State and the State Archives are constitutionally mandated to care for the State's permanent records. That care involves protecting and preserving the archival material, but also entails providing access to that material.

The existing State Archives has the capacity for approximately 60,000 storage spaces. As of January, 2012, 57,390 of those spaces hold Maine archival documents. Since 2000, the annual demand for spaces exceeds 2,500. The Archives has a backlog of archival documents equal to 15,000 spaces waiting to be accessioned, an amount equal to 25 percent of the existing holdings.

Responding to the demand for additional space requires time, even as the demand for that space continues. Before adequate space could be developed for the permanent records of the State of Maine, the amount of archival material not under the care of the Archives will exceed 30 percent.

The archival material being generated in Maine's three branches of government will either remain in the possession of the generating entities, removed for storage in some private or public repository, or will be subject to disposition or destruction.

Maine is desperate for new archival quality space to meet the agency's responsibilities. The Bureau of General Services conducted statewide searches for State-controlled or owned buildings that could provide relief or replacement space for the Archives and reported to the Legislature that no such space exists.

The pressure for space is not limited to the Archives. The Records Center is similarly stressed, even though the spatial demands for holdings there can fluctuate because of disposition schedules.

To meet the existing and anticipated demand for secure and environmentally safe space for the next 50 years, the State needs to locate or construct suitable space with a capacity of 150,000 to 200,000 square feet.

### **Replacement of the Maine State Cultural Building –**

The existing Cultural Building has required many costly repairs since its 1971 construction, often after water problems threatened archival documents.

Air handling systems are challenged year-round to maintain a proper storage environment for archival records and museum artifacts.

### **Preservation of archival State records in digital format –**

Currently many digital records are lost due to media failure, format obsolescence, lack of commitment to maintain them, and lack of staff to implement and oversee a comprehensive responsible records management program. The Archives and the Maine Office of GIS had a federal grant to create a GeoArchives to complement the State GeoLibrary, but that is only a

partial address. The Archives signed on as an informational partner to two initiatives of the Library of Congress to address electronic records management. Neither has produced an industry-standard answer to the challenge of electronically-born records retention, preservation and access.

An *ad hoc* committee of representatives from the Governor's Office, Department of Attorney General, Secretary of State, Department of Environmental Protection, and the Office of Information Technology attempted from 2006-2009 to resolve an electronic mail retention and retrieval solution for Maine government. The initiative mirrored efforts at the national level. Neither attempt has yet to succeed.

**Increase remote, digital access to copies of archival records –**

The demand for this service is growing constantly; the cost of trying to meet the demand high. The Archives is transferring (archival) microfilm images to non-archival digital images to improve access. Issues of image format standards, and indexing (standards and data input) remain impediments. The Archives is working with Maine's major institutions on an Encoded Archival Description project that will lead to a one-stop portal for access across the archival holdings in Maine. The project will help the public and researchers locate and identify specific holdings,

**K. Other Information Specifically Requested by the Committee**

None requested.

**L. Comparison of Related Federal Laws**

Federal laws and regulations pertaining to ADA, fair employment, nondiscrimination, drug-free workplace, etc. directly affect the administration of the State Archives. Information about compliance with many of these federal regulations is found in sections D of this report.

Additionally, the Archives and the Maine Historical Records Advisory Board apply for and receive grants from the National Historical Publications and Records Commission. Grants received must follow the terms of the grants and the rules of the Commission. Two federal rules govern grants received by the Archives:

36 CFR Part 1206 - National Historical Publications and Records Commission - General information.

This rule governs the following: purposes and eligibility requirements; establishment of a state Historical Records Advisory Board; grant application criteria; and grant administration.

36 CFR Part 1207 - Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments

This rule detail various administrative requirements, including application forms, state planning for historical records, period of funds availability, matching funds, changes in grant projects, reporting, and grant records retention.

Many State statutes establish legal requirement for State or local governments to retain records for a specific period or permanently. Other statutes govern records retention and access more generally. The latter include the following:

1 MRSA, Chapter 13, Subchapter 1 Freedom of Access

Maine's "right-to-know" law governs public access to records retained by State and local government. The State Archives, supplementing any applicable statute, regulates the period for which these records must be retained and accessible.

1 MRSA, Chapter 13, Subchapter 2 Destruction or Misuse Of Records

Essentially this provision makes it a Class D crime to remove, deface, alter, or fail to return a record to the State office responsible for that record.

16 MRSA, Chapter 3, Records and Other Documents

This chapter governs the admissibility of records in court procedures. Regardless of the Archives' retention requirements, records that are the subject of court procedures may not be destroyed. The Archives instructs State agency Records Officer and local governments about this requirement.

Section 456-A Admissibility of Electronic Records, was amended in 1997 at the request of the State Archives to insure the proper retention of these records. Essentially it requires such records to be accurate representation of the original, be well documented, and be readable for the duration of its required retention period. It also allows the State Archives, in paragraph D., to specify additional requirements:

D. Nothing in this subsection precludes any state agency from specifying additional requirements for the retention of records, either written or electronic, that are subject to the jurisdiction of that agency.

A similar provision exists in 10 MRSA, Chapter 1051, Uniform Electronic Transaction Act.

<b>M. Use of Information Technology and Personal Information</b>
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**General**-- The Archives does not collect Social Security or health information in any form.

**Internet** -- The Archives works in conjunction with InforME to offer online services. These services have been carefully developed in accordance with InforME policies and guidelines, and with full attention paid to fair information practice principles.

**Internal electronic** -- Requests received by mail and e-mail are managed on an internal database. Name, address, telephone number and e-mail information is captured to track the Archives' response to requests, to assess our performance in responding to requests, and to facilitate

recurring requests from the same individual. Personal information for researchers who have not made a request in three years is deleted from the database.

**Non-electronic** -- To insure the security of its documents, the Archives requires researchers to register before using its records. A photo ID is required, usually a driver's license. The individuals are then issued a research card. The person's name and card number are entered on a database for ease of responding to future requests. New cards are issued beginning each January. The information collected is retained for two years, then destroyed.

<b>N. List of Reports</b>
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Although members of the public are not required to file reports or other documentation with the Maine State Archives, governmental agencies and other entities are required to do so, as outlined in statute and noted previously in this report.

**Bureau of Corporations, Elections and Commissions  
2011 - 2012 Regulatory Agenda**

AGENCY UMBRELLA-UNIT NUMBER: **29-250**

AGENCY NAME: Department of Secretary of State, **Bureau of Corporations, Elections and Commissions**

**CONTACT PERSON:** Julie Flynn, Deputy Secretary of State, 101 State House Station, Augusta, Maine 04333-0101. Tel: (207) 624-7736.

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**CHAPTER 525:** Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots

This routine technical rule was adopted as an emergency rule on October 25, 2010 and expired on January 23, 2011; (Chapter 525 was later adopted as a non-emergency routine technical rule which became effective on September 17, 2011.)

**EXPECTED 2011-2012 RULE-MAKING ACTIVITY:**

**CHAPTER 200:** Rules for the Use of Expedited Service in Corporations

STATUTORY AUTHORITY: 10 M.R.S.A. §1527-B; 13-B M.R.S.A. §1402-A; 13-C M.R.S.A. §124; 31 M.R.S.A. §1457; 31 M.R.S.A. §613; and 31 M.R.S.A. §813

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 201:** Rules for the Sale of Publications in Corporations

STATUTORY AUTHORITY: 10 M.R.S.A. §1527-D; 13 M.R.S.A. §905; 13-B M.R.S.A. §1405; 13-C M.R.S.A. §143; 31 M.R.S.A. §1459; 31 M.R.S.A. §615; and 31 M.R.S.A. §815

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 240:** Rules for Limited Liability Partnerships under Title 31, Chapter 15

STATUTORY AUTHORITY: 31 M.R.S.A. §812

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for Limited Liability Partnerships.

**CHAPTER 250:** Rules for Business Corporations under Title 13-C

STATUTORY AUTHORITY: 13-C M.R.S.A. §141

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for business corporations.

**CHAPTER 260:** Rules for Nonprofit Corporations under Title 13-B

STATUTORY AUTHORITY: 13-B M.R.S.A. §1302-A

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for nonprofit corporations under Title 13-B.

**CHAPTER 270:** Rules for Limited Partnerships under Title 31, Chapter 19

STATUTORY AUTHORITY: 31 M.R.S.A. §1456

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for limited partnerships.

**CHAPTER 280:** Rules for Marks Registered under Title 10, Chapter 301-A

STATUTORY AUTHORITY: 10 M.R.S.A. §1527-A, sub-§1

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for a mark in the State of Maine.

**CHAPTER 290:** Rules for Limited Liability Companies under Title 31, Chapter 13

STATUTORY AUTHORITY: 31 M.R.S.A. §612

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: Any customer of the Division of Corporations filing documents for limited liability companies.

**CHAPTER 401:** Model Rules for Uniform Commercial Code Title 11, Article 9-A

STATUTORY AUTHORITY: 11 M.R.S.A. §9-1526

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: Any interested person wishing to file UCC liens or requesting information on filed UCC liens.

**CHAPTER 505:** Rules for Voter List Maintenance Procedures under Title 21-A

STATUTORY AUTHORITY: 21-A M.R.S.A. §161, sub-§2

PURPOSE: The statutory authority for this chapter was repealed effective 9/21/2005. The Secretary of State will repeal this chapter.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: All municipalities in the State of Maine as well as newly registered voters and registered voters who wish their names to be removed from their respective voter registration lists.

**CHAPTER 550:** Rules for Determining Voter Intent

STATUTORY AUTHORITY: 21-A M.R.S.A. §696, sub-§6

PURPOSE: This rule sets forth the criteria to be applied by election officials in determining voter intent when counting ballots at state and local elections and election recounts conducted pursuant to Title 21-A. It is based on relevant case law and provisions of Title 21-A of the Maine Revised Statutes.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: Municipal election officials who count ballots for statewide elections.

**CHAPTER 800:** Procedures for the Electronic Filing of Rules

STATUTORY AUTHORITY: 5 M.R.S.A. §8056, sub-§8

PURPOSE: The Secretary of State may find it necessary to update and clarify this rule during the next year.

ANTICIPATED SCHEDULE: Prior to October 1, 2012.

AFFECTED PARTIES: All rulemaking agencies.

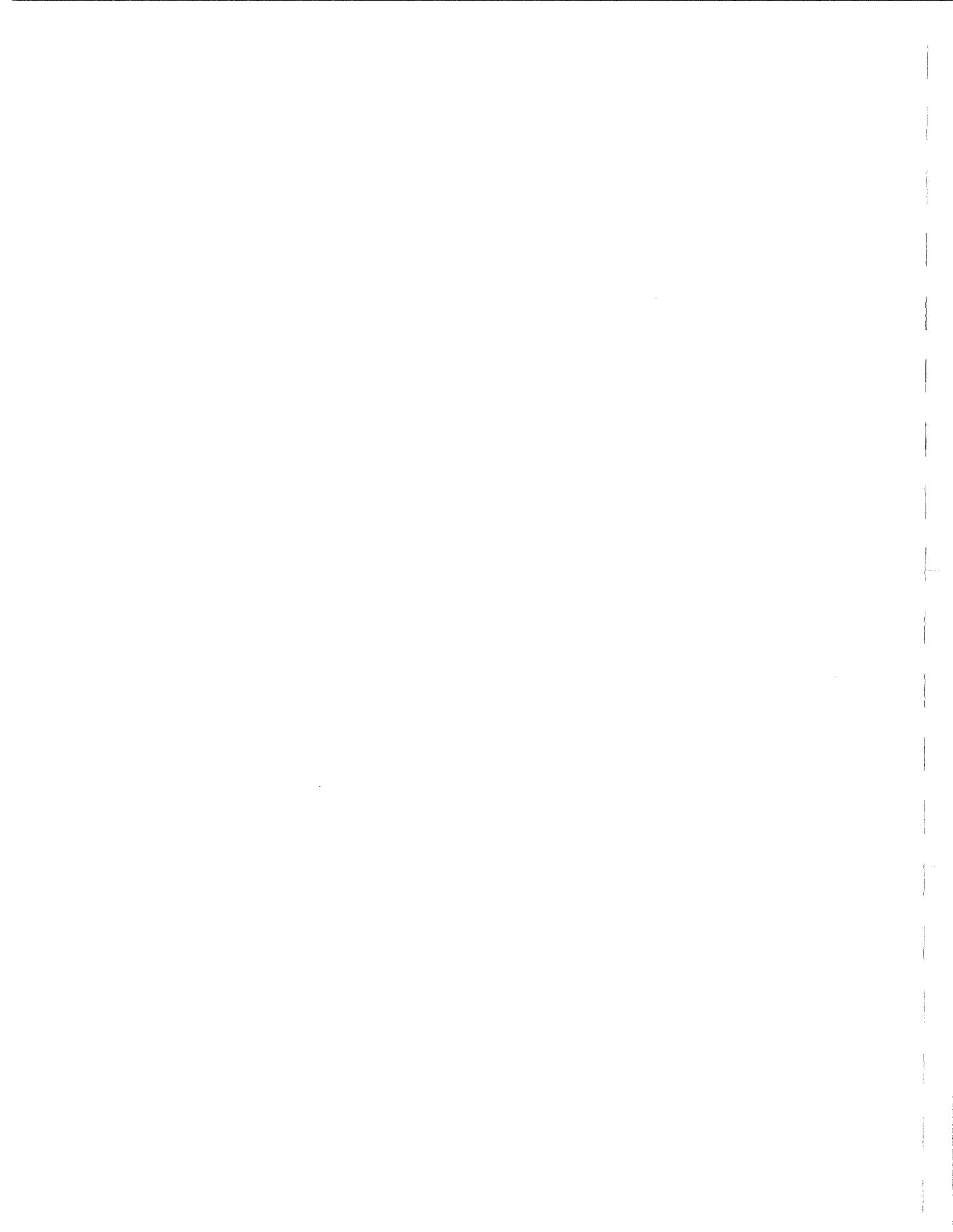
**CHAPTER (NEW):** Rules for Digital Signatures

STATUTORY AUTHORITY: 10 MRSA §9503

PURPOSE: The Secretary of State may find it necessary to adopt rules to establish common requirements for the use of digital signatures in electronic transactions filed with state agencies.

ANTICIPATED SCHEDULE: Prior to October, 2012.

AFFECTED PARTIES: State agency customers desiring to file electronic transactions which require a digital signature.



LIST OF REPORTS, APPLICATIONS AND OTHER PAPERWORK REQUIRED TO BE FILED  
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Appendix B

Form Name	Fee	Form Id	Statutory Authority	Submission Frequency	FY10 Submissions	FY11 Submissions
Annual Report	\$35, 85 or \$150	MBCA-13, MNPCA-13, MLPA-13, MLLC-13, MLLP 13	13-C MRSA §1621, 13-B MRSA §1301, 31 MRSA 1330.1, 31 MRSA §1665, 31 MRSA §873	Annually	76,109	79,388
Amended Annual Report	\$35, 85 or \$150	MBCA-13, MNPCA-13, MLPA-13, MLLC-13, MLLP 13	13-C MRSA §1623, 13-B MRSA §1301-C, 31 MRSA 1330.2, 31 MRSA §1666, 31 MRSA §873-A	As needed	56	59
Statement of Appointment or Change of Commercial OR Noncommercial Registered Agent	\$35 or \$15	MNPCA-3-NCRA, MLPA-3-NCRA, MLLC-3-NCRA, MLLP-3-NCRAMNPCA-3-NCRA, MLPA-3-NCRA, MLLC-3-NCRA, MLLP-3-NCRA, MBCA12D-CRA, MBCA12D-NCRA	5 MRSA §105 & §108 & §109	As needed	2,851	2,994
Statement of Resignation of Noncommercial Registered Agent	\$35 or \$15	MNPCA-3A-NCRA, MLPA-3A-NCRA, MLLC-3A-NCRA, MLLP-3A-NCRA, MBCA12E	5 MRSA §111	As needed	300	325
Application for Certificate of Revival	\$150 or \$25	REVIVE	31 MRSA §1604, 13-B MRSA §1117, 13-C MRSA §1425, 31 MRSA §1401-A	As needed	4	14
Articles/Certificate of Conversion	\$145 or \$150	CONV	31 MRSA §1432 or §764	As needed	7	7
Application for Registration of a Mark	\$60	MARK-1	10 MRSA §1522	As needed	283	294
Application for Renewal of a Mark	\$60	MARK-2	10 MRSA §1524	As needed	75	117
Application for Amendment of the Classification of a Mark	\$10	MARK-3	10 MRSA §1525-A	As needed	0	0
Application for Assignment of a Mark	\$40	MARK-4	10 MRSA §1525	As needed	17	29
Voluntary Cancellation of Registration of Mark	\$10	MARK-6	10 MRSA §1527(1)	As needed	4	3
Application for Reservation of Name	\$20	MBCA-1	13-C MRSA §402(1)	As needed	50	56
Transfer of Reserved Name	\$20	MBCA-1A	13-C MRSA §402(2)	As needed	1	1

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Application for Registration or Renewal of Name - Foreign	\$200	MBCA-2	13-C MRSA §403	As needed	11	6
Consent Terminating Name Registration	\$35	MBCA-2A	13-C MRSA §403(5)	As needed	0	0
Statement of Appointment or Change of Commercial Clerk or Noncommercial Clerk	\$35	MBCA-3-CRA, MBCA-3-NCRA	5 MRSA §105 & §108, §109	As needed	1,270	1,430
Statement of Resignation of Noncommercial Clerk	\$35	MBCA-3A-NCRA	5 MRSA §111	As needed	185	194
Statement of Intention to do Business Under An Assumed or Fictitious Name	\$125, 25 or \$40	MBCA-5, MNPCA-5, MLLC-5, MLPA-5, MLLP-5	13-C MRSA §404, 31 MRSA §1510, 13-B MRSA §308-A, 31 MRSA §308(2), 31 MRSA §805-A	As needed	1,118	1,120
Termination of Statement of Intention to do Business Under an Assumed or Fictitious Name	\$20, \$5	MBCA-5A, MNPCA-5A, MLLC-5A, MLPA-5A, MLLP-5A	13-C MRSA §404(8), 13-B MRSA §308-A(8), 31 MRSA §1308(2) or §1415.7, 31 MRSA §805-A(8) & 31 MRSA §1510(7)	As needed	136	132
Articles of Incorporation	\$145	MBCA-6	13-C MRSA §202	As needed	1,220	1,275
Articles of Incorporation to accompany certain types of domestications, conversions or mergers	See fee for specific type of filing	MBCA-6-1	13-C MRSA §923, §942, §955(2), §955(3), §1106 & §1107, or 31 MRSA §1093 & §1007	As needed	0	0
Restated Articles of Incorporation	\$80 or \$10	MBCA-6A, MNPCA-6A, MLPA-6A, MLLP-6A, MLLC-6A	13-C MRSA §1007, 13-B MRSA §805, 31 MRSA §1322(5), 31 MRSA §823(6), 31 MRSA §1532	As needed	56	70
Articles of Amendment	\$50, \$20 or \$10	MBCA-9, MNPCA-9, MLLC-9, MLPA-9, MLLP-9	13-C MRSA §1006, 13-B MRSA §802 & §803, 31 MRSA §1322, 31 MRSA §823, 31 MRSA §1532	As needed	1,045	902

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Form Name	Fee	Form Id	Statutory Authority	Submission Frequency	FY10 Submissions	FY11 Submissions
Articles of Amendment as order by a Court for Domestic Business Corporations	\$50	MBCA-9A	13-C MRSA §1008	As needed	0	0
Articles of Merger, Consolidation or Share Exchange	\$100, \$150, \$25,	MBCA-10, MNPCA-10, MNPCA-10A, MNPCA-10C, MNPCA-10E, MLPA-10, MLLC-10,	13-C MRSA §1106, 13-B MRSA §904 or 13 MRSA §961, 13-B MRSA §906, 31 MRSA §1438, 31 MRSA §1641	As needed	255	304
Statement of Abandonment of Merger or Share Exchange	\$35	MBCA-10A	13-C MRSA §1108(2)	As needed	0	0
Articles of Dissolution	\$75	MBCA-11, MBCA-11I	13-C MRSA §1404, 13-C MRSA §1401	As needed	449	443
Articles of Revocation of Dissolution	\$75	MBCA-11A	13-C MRSA §1405(3)	As needed	1	1
Application for Authority to do Business for Foreign Business Corporation	\$250	MBCA-12	13-C MRSA §1503	As needed	969	977
Amended Application for Authority to do Business for Foreign Business Corporation	\$70, \$90 or \$35	MBCA-12A	13-C MRSA §1504	As needed	698	691
Application of Withdrawal for Foreign Business Corporations	\$90	MBCA-12B	13-C MRSA §1521 or §1523	As needed	287	292
Application for Transfer of Authority	\$70	MBCA-12C	13-C MRSA §1524	As needed	32	37
Certificate of Excuse for Domestic Business Corporations	\$40, \$5	MBCA-14, MNPCA-14, MLLC-14	13-C MRSA §1621(4), 13-B MRSA §1301(5), 31 MRSA §1665(5)	As needed	189	168
Certificate of Resumption for Domestic Business Corporations	\$100 or \$25	MBCA-14A, MNPCA-14A, MLLC-14A	13-C MRSA §1621(5), 13-B MRSA §1301(6), 31 MRSA §1665(6),	As needed	18	14
Application for the Use of an Indistinguishable Name	\$20, \$5 or \$35	MBCA-15, MNPCA-15, MLPA-15, MLLP-15, MLLC-15	13-C MRSA §401(4), 13-B MRSA §301-A(4), 31 MRSA §1308-D(1), 31 MRSA §803-A(4), 31 MRSA §1508(4)	As needed	2	7

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Form Name	Fee	Form Id	Statutory Authority	Submission Frequency	FY10 Submissions	FY11 Submissions
Articles of Correction	\$50 or \$10	MBCA-17, MNPCA-17, MLLC-17, MLPA-17, MLLP-17, MLLP-17A	13-C MRSA §126, 13-B MRSA §106(4), 31 MRSA §1327, 31 MRSA §824, 31 MRSA §1675, 31 MRSA §856	As needed	120	125
Articles of Domestication	\$145 or \$125	MBCA-19, MNPCA-19,	13-C MRSA §923, 13-C MRSA §942,	As needed	3	6
Articles of Charter Surrender upon Domestication	\$90 or \$35	MBCA-19A, MNPCA-19A	13-C MRSA §924 and §925, 13-C MRSA §944	As needed	3	5
Statement of Abandonment of Domestication by a Domestic or Foreign Business Corporation	\$35	MBCA-19B, MBCA-20B	13-C MRSA §926, 13-C MRSA §936	As needed	0	0
Articles of Nonprofit Conversion	\$145	MBCA-20	13-C MRSA §933	As needed	1	2
Articles of Charter Surrender upon Nonprofit Conversion	\$90	MBCA-20A	13-C MRSA §934 or §935	As needed	0	0
Articles of Entity Conversion for Domestic Business Corporation	\$145	MBCA-21	13-C MRSA §955(2) or §955(3)	As needed	21	22
Articles of Charter Surrender upon Entity	\$90	MBCA-21B	13-C MRSA §956 or §957	As needed	0	0
Statement of Abandonment of Entity Conversion	\$35	MBCA-21C	13-C MRSA §958	As needed	0	0
Certificate of Organization	\$5	MLC-6	13 MRSA §3021	As needed	13	14
Change of Clerk and/or address	\$5	MLC-3	13 MRSA §3025	As needed	4	12
Application for Reservation of Name-LLC	\$20	MLLC-1	31 MRSA §1509(1)	As needed	63	72
Transfer of Reserved Name - LLC	\$20	MLLC-1A	31 MRSA §1509(2)	As needed	0	6
Application for Registration of Name	\$200	MLLC-2	31 MRSA §1511	As needed	1	2
Certificate of Formation	\$175	MLLC-6	31 MRSA §1531	As needed	3,651	3,862
Certificate of Cancellation of Articles of Formation- LLC	\$75	MLLC-11C	31 MRSA §1533(2)	As needed	313	371
Statement of Foreign Qualification	\$250	MLLC-12	31 MRSA §1622	As needed	681	674
Statement of Change of Foreign Qualification	\$90 or \$35	MLLC-12A	31 MRSA §1622(3)	As needed	459	504
Statement of Cancellation of Foreign Qualification	\$90	MLLC-12B	31 MRSA §1628	As needed	152	188

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Statement of Authority	\$50	MLLC-SOA	31 MRSA §1542(1)	As needed	0	0
Amendment or Cancellation of Statement of Authority	\$50	MLLC-ACSOA	31 MRSA §1542(2)	As needed	0	0
Statement of Conversion	See fee for specific type of filing	MLLC-CONV	31 MRSA §1647	As needed	7	7
Statement of Denial of Authority	\$50	MLLC-DENIAL	31 MRSA §1543	As needed	0	0
Application for Reservation of Name of Limited Liability Partnerships	\$20	MLLP-1	31 MRSA §804-A(1)	As needed	0	1
Transfer of Reserved Name of Limited Liability Partnerships	\$20	MLLP-1A	31 MRSA §804-A(2)	As needed	0	0
Application for Registration or Renewal of Name - LLP	\$200	MLLP-2	31 MRSA §806-A	As needed	0	0
Certificate of Limited Liability Partnership	\$175	MLLP-6	31 MRSA §822	As needed	9	13
Certificate of Limited Liability Partnership to accompany Articles/Certificate of Merger or Share Exchange	See fee for specific type of filing	MLLP-6-1	13-C MRSA §955(1) & §1106 and 31 MRSA §744, §1436, §746, §1432 & §1093	As needed	0	0
Certificate of Renunciation -Domestic Limited Liability Partnership	\$75	MLLP-11R	31 MRSA §825	As needed	1	2
Application for Authority to do Business - Foreign Limited Liability Partnership	\$250	MLLP-12	31 MRSA §852(3)	As needed	5	6
Application for Authority to do Business to accompany Application for Transfer of Authority	See fee for specific type of filing	MLLP-12-1	31 MRSA §852(3)	As needed	0	0
Amended Application for Authority to do Business for Foreign Limited Liability Partnership	\$90 or \$35	MLLP-12A	31 MRSA §855(1)	As needed	3	5
Cancellation of Authority to do Business - Foreign Limited Liability Partnerships	\$90	MLLP-12B	31 MRSA §857	As needed	3	0
Application for Reservation of Name-LLC	\$20	MLPA-1	31 MRSA §1309(1)	As needed	4	6

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Approval of Local Development Corporation	No fee	MNPCA-16	5 MRSA §13120-B (9)	As needed	0	0
Statement of Dissociation	\$20	MPA-1	31 MRSA §1074	As needed	0	2
Statement of Dissolution	\$75	MPA-2	31 MRSA §1085	As needed	3	11
Articles of Conversion of Partnership	\$150	CONV-PART	31 MRSA §1093	As needed		
National UCC Financing Statement with or without addendum	\$60, \$40, \$30, \$20, \$15 or \$10	UCC-1	11 MRSA §9-1520(1)	As needed	25,026	23,833
National UCC Financing Statement Amendment with or without addendum	\$30, \$15 or \$10	UCC-3	11 MRSA §9-1520(2)	As needed	24,492	25,287
Request for Copies or Information	\$20 or \$12	UCC-11	11 MRSA §9-1523	As needed	26,179	23,591
Statement of Claim	\$30, \$15 or \$10	UCC-5	11 MRSA §9-1518	As needed	13	9
Notary Public Application- Maine Resident	\$50	Notary-ME	5 MRSA §82	As needed	3,306	3,547
Notary Public Application- New Hampshire Resident	\$50	Notary-NH	5 MRSA §82	As needed	9	13
Notice of Change in Official Notary Signature	No fee	Notary-Sign	4 MRSA §951-A(2)	As needed	unknown	unknown
Absentee Ballot Application - UOCAVA voters only	No fee	None	21-A MRSA §752(2)	As needed	0	1,338
Citizen Initiative Application	No fee	None	21-A MRSA §901	As needed	7	3
Declaration of Write-in Candidacy	No fee	None	21-A MRSA §722-A	As needed	4	21
People's Veto Application	No fee	None	21-A MRSA §901	As needed	0	1
Petition Organization Registration Application	No fee	None	21-A MRSA §903-C	As needed	0	4
Application for Submission of Public Comments on Statewide Referenda	\$500	None	29-250 CMR Ch. 520	As needed	6	1
Request for Obtaining Data from Maine CVR	Electronic per record fee, \$11 - \$2,200	None	21-A MRSA §196-A	As needed	25	21
Primary Candidate Petition	No fee	None	21-A MRSA §335	As needed	547	0
Nonparty Candidate Petition	No fee	None	21-A MRSA §354	As needed	22	0