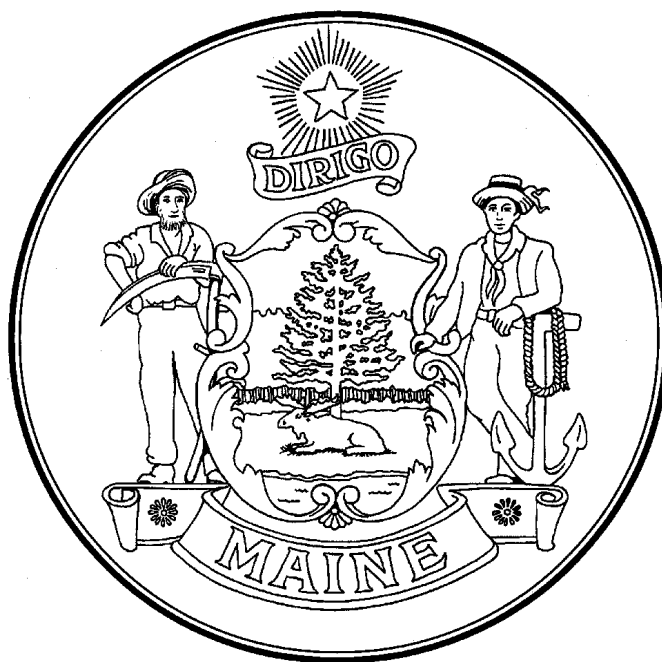


MAINE STATE LEGISLATURE

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123RD MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

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**Testimony of
Senator John L. Martin, Chair
of the 123rd Legislative Council's Budget Subcommittee
(on behalf of the Legislative Council)**

On LD 499, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years ending June 30, 2008 and June 30, 2009."

**March 9, 2007
9:00 AM**

Senator Rotundo, Representative Fischer and Distinguished Members of the Joint Standing Committee on Appropriations and Financial Affairs:

Good Morning.

I am Senator John Martin, a member of the Legislative Council and chair of the Council's Budget Subcommittee, and am before you this morning on behalf of the entire Legislative Council. Thank you for the opportunity to present information to the committee on the proposed FY08/09 budget for the Legislature. As you may know, under Title 3, section 162, subsection 1, responsibility rests with the Legislative Council to approve the legislative budget and any

adjustments to it. This information that I am presenting this morning is a result of the Council's work to fulfill that responsibility. The information relates to the legislature's general operating accounts and for all other accounts under the Legislative Council's jurisdiction, including the Law and Legislative Reference Library, Reserve Fund for State House Preservation and Maintenance and the Office of Program Evaluation and Government Accountability.

In LD 499, the Governor proposes net appropriations in FY08 and FY09 to the legislative accounts as follows:

	<u>FY 08</u>	<u>FY09</u>
Legislative Accounts:	\$23,672,314	\$25,644,642
Law & Legislative Reference Library:	\$ 1,556,425	\$ 1,582,841
Reserve Fund for State House Preservation & Maintenance:	\$ 800,000	\$ 800,000
OPEGA:	\$ 954,608	\$ 984,586

for an overall biennial budget of approximately 56 million.

The Budget Subcommittee met in February and carefully reviewed the proposed budget. At its meeting on February 22nd, the full Legislative Council voted unanimously to approve the proposed budget as proposed in LD 499. The Legislative Council believes that the Governor's recommended funding level in each legislative account (which is consistent with the Legislature's

tentative budget submission that was prepared and submitted in September 2006) is adequate to fund all legislative programs for the next biennium and therefore made no adjustments.

I want to emphasize that the proposed budget limits Personnel Services increases in the Legislative Branch to that consistent with other areas in State Government. The vast majority of those increases relate to increased costs for employee health and life insurances, COLAS for legislators, previously awarded COLAS for collective bargaining and other legislative employees, and increases in payments to the Maine State Retirement System. There is no increase in headcount for the next biennium. All Other increases are held below the rate of inflation. Finally, this proposed budget does not propose any new initiatives, but represents the anticipated costs of on-going operations of the Legislative Branch for the next two years.

Thank you for the opportunity to share this information with the committee. I would be happy to answer any questions you have. Dave Boulter and Rose Breton from the Executive Director's Office are also here and available if you have questions.

Thank you.

FY 2008-2009 SUMMARY OF PROPOSED BIENNIAL BUDGET REQUEST-GENERAL FUND									
	FISCAL YEAR 2004	FISCAL YEAR 2005	TOTAL FY 04/05	FISCAL YEAR 2006	FISCAL YEAR 2007	TOTAL FY 06/07	FISCAL YEAR 2008	FISCAL YEAR 2009	08/09 Proposed
ACCOUNT	Final Appropriation	Final Appropriation	BIENNIUM	Final Appropriation	Adj. Appropriation	BIENNIUM	Proposed Request	Proposed Request	Biennial Request
(col. 1)	(col. 2)	(col. 3)	(col. 4)	(col. 5)	(col. 6)	(col. 7)	(col. 8)	(col. 9)	(col. 10)
Legislative Account									
Personal Services	15,501,577	17,508,419	33,009,996	17,509,293	18,842,815	36,352,108	18,907,313	20,500,144	39,407,457
All Other	4,271,969	4,679,974	8,951,943	4,342,700	4,719,649	9,062,349	4,419,047	4,795,666	9,214,713
Capital	68,200	25,000	93,200	30,000	30,000	60,000	30,000	30,000	60,000
Total Legislative Account	19,841,746	22,213,393	42,055,139	21,881,993	23,592,464	45,474,457	23,356,360	25,325,810	48,682,170
Annual % Change		11.953%		-1.492%	7.817%		-1.001%	8.432%	
Biennium % Change						8.131%			7.054%
Comm on Interstate Cooperation									
All Other	172,229	172,668	344,897	172,668	172,668	345,336	206,120	218,998	425,118
Annual % Change		0.255%		0.000%	0.000%		19.374%	6.248%	
Biennium % Change						0.127%			23.103%
Comm on Uniform State Laws									
All Other	0	12,000	12,000	12,000	12,000	24,000	12,000	12,000	24,000
Annual % Change		#DIV/0!		0.000%	0.000%		0.000%	0.000%	
Biennium % Change						100.000%			0.000%
State House & Capitol Park Comm									
All Other	67,834	67,834	135,668	67,834	67,834	135,668	67,834	67,834	135,668
Annual % Change		0.000%		0.000%	0.000%		0.000%	0.000%	
Biennium % Change						0.000%			0.000%
Misc Studies-Legislative									
Personal Services	13,400	11,850	25,250	11,250	7,890	19,140	11,250	7,450	18,700
All Other	25,600	26,400	52,000	18,750	16,100	34,850	18,750	12,550	31,300
Total Misc Studies	39,000	38,250	77,250	30,000	23,990	53,990	30,000	20,000	50,000
Annual % Change		-1.923%		-21.569%	-20.033%		25.052%	-33.333%	
Biennium % Change						-30.110%			-7.390%
LEG. ACCTS SUMMARY:									
PERSONAL SERVICES	15,514,977	17,520,269	33,035,246	17,520,543	18,850,705	36,371,248	18,918,563	20,507,594	39,426,157
ALL OTHER	4,537,632	4,958,876	9,496,508	4,613,952	4,988,251	9,602,203	4,723,751	5,107,048	9,830,799
CAPITAL	68,200	25,000	93,200	30,000	30,000	60,000	30,000	30,000	60,000
TOTAL SUMMARY	20,120,809	22,504,145	42,624,954	22,164,495	23,868,956	46,033,451	23,672,314	25,644,642	49,316,956
Annual % Change		11.845%		-1.509%	7.690%		-0.824%	8.332%	
Biennium % Change						7.996%			7.133%

9/21/2006 (Approved by the Legislative Council's Budget Subcommittee on 2/21/07) UNANIMOUSLY APPROVED BY THE LEGISLATIVE COUNCIL ON 2/22/07

	FISCAL YEAR 2004	FISCAL YEAR 2005	TOTAL FY 04/05	FISCAL YEAR 2006	FISCAL YEAR 2007	TOTAL FY 06/07	FISCAL YEAR 2008	FISCAL YEAR 2009	08/09 Proposed
ACCOUNT	Final Appropriation	Final Appropriation	BIENNIUM	Final Appropriation	Adj. Appropriation	BIENNIUM	Proposed Request	Proposed Request	Biennial Request
(col. 1)	(col. 2)	(col. 3)	(col. 4)	(col. 5)	(col. 6)	(col. 7)	(col. 8)	(col. 9)	(col. 10)
Reserve Fund for State House									
Preservation and Maintenance									
All Other	800,000	800,000	1,600,000	800,000	800,000	1,600,000	800,000	800,000	1,600,000
Annual % Change		0.000%		0.000%	0.000%		0.000%	0.000%	
Biennium % Change						0.000%			0.000%
OPEGA									
Personal Services	18,306	242,888	261,194	636,588	674,199	1,310,787	700,109	730,087	1,430,196
All Other	280,291	44,108	324,399	287,259	254,499	541,758	254,499	254,499	508,998
Capital		0	0		0	0	0	0	0
Total OPEGA	298,597	286,996	585,593	923,847	928,698	1,852,545	954,608	984,586	1,939,194
Annual % Change		-3.885%		221.902%	0.525%		2.790%	3.140%	
Biennium % Change						216.354%			4.677%
Law & Legislative Reference Library									
Personal Services	1,076,933	1,119,318	2,196,251	1,153,572	1,177,671	2,331,243	1,199,497	1,225,913	2,425,410
All Other	325,952	356,928	682,880	356,928	356,928	713,856	356,928	356,928	713,856
Capital	0	0	0	0	0	0	0	0	0
Total Library	1,402,885	1,476,246	2,879,131	1,510,500	1,534,599	3,045,099	1,556,425	1,582,841	3,139,266
Annual % Change		5.229%		2.320%	1.595%		1.422%	1.697%	
Biennium % Change						5.765%			3.092%

MAINE AND THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

What is the National Conference of Commissioners on Uniform State Laws?

Since 1892, the National Conference of Commissioners on Uniform State Laws has worked for the improvement of state laws by drafting uniform state laws on subjects where uniformity is desirable and practicable. It is a non-profit unincorporated association, comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners appointed. The commissioners serve for specific terms, and receive no salaries or fees for their work with the Conference.

Is there statutory authority governing the Maine Uniform Law Commissioners?

Yes. Me. Rev. Stat. Ann. Tit. 3, § 241 (see reverse).

When did Maine join the Conference?

Maine joined the Conference in 1895.

How is the Conference funded?

The major portion of financial support for the Conference comes from state appropriations. Expenses are apportioned among the states by means of an assessment based on population. The Conference gets maximum results from a minimum budget because its major asset, drafting expertise, is donated. Commissioners devote hundreds and even thousands of hours – amounting in some cases to millions of dollars worth of time – to the development of uniform and model acts, and take no compensation from anyone. No state could afford the bills for the legal expertise that is donated to the drafting of uniform laws.

What are the benefits to Maine of Conference membership?

For a very modest investment, Maine receives an extraordinary amount of services in return. Just consider how Maine has benefited to date from uniform acts adopted in its legislature, which include important acts such as the Uniform Commercial Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Trade Secrets Act, the Uniform Interstate Family Support Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Anatomical Gift Act. All of these acts were drafted and promulgated by the Conference, and have benefited the citizens of Maine immeasurably. In fact, Maine has enacted more than 90 uniform acts.

Who currently serves on Maine's Commission on Uniform State Laws?

The Maine Commission on Uniform State Laws consists of: Paul W. Chaiken (Law Office of Rudman & Winchell) Bangor; Bruce A. Coggeshall (Law Office of Pierce Atwood, LLP), Portland; Margaret E. Matheson (Office of Revisor of Statutes), Augusta; Robert C. Robinson (Law Office of Robinson, Kriger & McCallum), Portland.

What acts were approved at the most recent Conference annual meeting?

The following acts were approved at the Conference's 115th Annual Meeting, July 7-14, 2006: Revised Uniform Anatomical Gift Act; Uniform Child Abduction Prevention Act; Uniform Emergency Volunteer Healthcare Practitioners Act; Revised Uniform Limited Liability Company Act; Uniform Power of Attorney Act; Uniform Prudent Management of Institutional Funds Act; Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act; and Model Registered Agents Act.

Title 3. Legislature

Chapter 11, Commission on Uniform State Laws

→§ 241. Organization and duties

The Commission on Uniform State Laws, as established by Title 5, section 12004- K, subsection 8, shall consist of 3 members to be appointed for a term of 4 years by the Governor. The commission shall also consist of any residents who, because of long service in the cause of state legislation, are elected life members of the National Conference of Commissioners on Uniform State Laws. The commission shall examine subjects on which uniformity of legislation in the different states is desirable; ascertain the best means to effect uniformity; cooperate with the commissioners of other states in the consideration and drafting of uniform acts for submission to the Legislatures of the several states; and prepare bills for introduction in the Legislature.

Each commissioner shall be compensated as provided in Title 5, chapter 379.

CREDIT(S)

1955, c. 405, § 3; 1975, c. 771, § 15; 1983, c. 812, § 6; 1987, c. 501, § 1; 1989, c. 503, § B, 5, eff. June 30, 1989.

HISTORICAL AND STATUTORY NOTES

1989 Legislation

Laws 1989, c. 503, § B, 5, in the first paragraph, substituted establishment of commission by Title 5, § 12004-K, subsec. 8, for establishment by Title 5, § 12004, subsec. 12.

1975 Legislation

Laws 1975, c. 771, § 15, deleted requirement that Governor appoint members with advice and consent of Council.

1983 Legislation

Laws 1983, c. 812, § 6, substituted provisions relating to establishment of Commission by Title 5, § 12004, subsec. 12, for provisions that Commission was heretofore established, and substituted provisions relating to compensation of commissioners.

For preservation of rights provisions of Laws 1983, c. 812, see Laws 1983, c. 812, § 302, set out as a note under § 12004 of title 5.

1987 Legislation

Laws 1987, c. 501, § 1, inserted provisions relating to membership in commission of residents elected as life members of National Conference of Commissioners on Uniform State Laws.

Derivation:

R.S.1954, c. 10, § 33-A.

**FINANCIAL INFORMATION ON THE
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS**

I. What is the state appropriation requested?

The National Conference of Commissioners on Uniform State Laws (NCCUSL), as a state service organization, depends upon state appropriations for its continued operation. All states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands are asked to contribute a specific amount, based on population, for the maintenance of NCCUSL. In addition, each commissioner requests an amount to cover his or her travel to the Conference Annual Meeting. For Maine, the amount requested for the maintenance of NCCUSL for the 2006-07 fiscal year was \$19,700. The appropriation was \$12,000, which included dues and Commissioners' travel expenses to the annual meeting. Dues for fiscal years 2007-08 will be \$30,000. The appropriation, as included in LD 499 is \$12,000.

II. Why should Maine support NCCUSL with a financial contribution?

The Conference is a unique institution created by state government to consider state law and to determine in which areas of the law uniformity is important. It then drafts Uniform and Model Acts for consideration by the states. The Conference began this work in 1892. The Conference's work has been a valuable addition to the improvement of state law for 115 years. Included in that work have been Acts such as the Uniform Anatomical Gift Act, the Uniform Child Custody Jurisdiction and Enforcement Act, the Uniform Commercial Code, the Uniform Interstate Family Support Act, the Uniform Principal and Income Act, and the Uniform Transfers to Minors Act. Since it joined NCCUSL in 1895, Maine has adopted more than 90 uniform and model acts. Maine's citizens have gained a very great benefit from its participation in the Conference.

The procedures of NCCUSL insure meticulous consideration of each Uniform or Model Act. The Conference usually spends a minimum of two years on each draft. Sometimes, the drafting work extends much longer. The drafting work for such large-scale Acts as the Uniform Commercial Code can take up to a decade to complete. No single state has the resources necessary to duplicate this meticulous, careful non-partisan effort. Working together with pooled resources through NCCUSL, the states can produce and have produced the impressive body of state laws called the Uniform State Laws.

The Conference also permits the states to tap the skills and resources of the legal profession for very little cost. No Uniform Law Commissioner is paid for his or her services. Commissioners receive compensation only for actual expenses incurred. The Conference estimates that each commissioner devotes approximately 200 hours a year to NCCUSL work, including work on various drafting committees and attendance at the NCCUSL Annual Meeting. These are hours mainly spent in research and drafting work – solid, substantive hours.

The cumulative value of this donated time from all commissioners in the development of Uniform and Model Acts averages about \$6,000,000.00 per year, at a conservative estimate. The total requested contribution of all the states to the operation of NCCUSL is \$1,833,100 in the 2006-2007 fiscal year. The smallest state contribution is \$16,500, and the largest is

\$131,500. Maine's dues commitment represents an extraordinarily good, cost-effective investment for the citizens of Maine.

The Conference works efficiently for all the states because individual lawyers are willing to donate time to the uniform law movement, and because it is a genuine cooperative effort of all the states. The Conference seemed like a very good idea to its founders in 1892. They saw nearly insoluble problems resulting from the rapid growth of the United States against confusing patterns of inadequate state law. They were deeply concerned about the evils of centralized government, fearing the unchecked growth of the federal government.

The Conference continues to be a very good idea. The states have chosen to maintain NCCUSL because it has been useful to their citizens and because it strengthens the states in the federal system of government. Different law in different states continues to be a problem. Either the states solve the problem, or the issues are removed to Congress. Without a state-sponsored, national institution like NCCUSL, more and more legislative activity would shift from the state capitols to Capitol Hill in Washington, D.C.

III. How are the funds contributed by the states spent?

The annual budget of NCCUSL comes to \$2,446,779 for the current fiscal year (July 1 to June 30). Of this amount, \$413,214 goes directly to drafting uniform and model acts, and includes travel expenses for drafting committee meetings, printing and publication costs, and, editing and personnel costs. \$583,074 is spent in assisting state legislatures with bills based on Uniform and Model Acts. This amount includes salaries and travel expenses. About \$286,240 is spent on the Annual Meeting. Public education for Uniform and Model Acts, which includes travel expenses for testimony and other educational programs and supporting materials, costs about \$217,529. The remainder of the budget pays general administrative costs.

The Conference has consciously limited its staff to prevent needless administrative costs. The full-time staff numbers thirteen people, located in Chicago. The small staff provides support for drafting and legislative efforts.

In addition, NCCUSL contracts for professional services to aid in each drafting effort. These professional Reporters, so-called, are engaged at very modest honoraria to work with drafting committees on specific acts. Most often they are law professors with specific expertise in the area of law addressed in the act they draft. The Conference also contracts with professional, independent contractors for part of its public information and educational materials.

IV. Are there other financial contributors to the work of NCCUSL?

The American Bar Association makes a yearly contribution to NCCUSL. For fiscal 2006-2007, it has contributed \$25,000. The Conference also seeks grants from the federal government and from foundations for specific drafting efforts. The last federal grant was a grant of \$60,000 to fund the drafting effort for the Uniform Environmental Covenants Act.

The Uniform Commercial Code (UCC) is a joint venture between NCCUSL and the American Law Institute (ALI). Proceeds from copyright licensing of UCC materials provide revenue to support both organizations.

The Conference will not take money from any source except on the understanding that its drafting work is autonomous. No source may dictate the contents of any Act because of a financial contribution.

By seeking grants for specific drafting projects, NCCUSL expands the value of every state dollar invested in its work. The states, therefore, are assured of a maximized return for their contributions.

V. How are Uniform and Model Acts created?

The procedures for preparing an Act are the result of long experience with the creation of legislation. The Conference maintains a standing committee called the Scope and Program Committee which considers new subject areas of state law for potential Uniform or Model Acts. That committee studies suggestions from many sources, including the organized bar, state government, and private persons. If a subject area cannot be adequately studied by Scope and Program Committee, it is likely to be given to a special study committee. Study committees report back to Scope and Program Committee. Recommendations from Scope and Program Committee go to the Executive Committee, and to the entire Conference for approval or disapproval, however the case may be.

Once a subject receives approval for drafting, a drafting committee is selected, and a budget is established for the committee work. A reporter is usually engaged, although a few committees work without professional assistance.

Advisors and participating observers are solicited to assist every drafting committee. The American Bar Association appoints official advisors for every committee. Participating observers may come from state government, organizations with interests and expertise in a subject, and from the ranks of recognized experts in a subject. Advisors and participating observers are invited to work with drafting committees and to contribute comments. They do not make decisions with respect to the final contents of an Act. Only Conference members who compose the drafting committee may do this.

A committee meets according to the needs of the project. A meeting ordinarily begins on Friday morning and finishes by Sunday noon, so as to conflict the least with ordinary working hours. A short Act may require one or two committee meetings. Major acts may require a meeting per month for a considerable period of time – several years, in some instances. A given committee may produce a number of successive drafts, as an act evolves.

At each Annual Meeting during its working life, each drafting committee must present its work to the whole body of the Conference. The most current draft is read and debated. This scrutiny continues from Annual Meeting to Annual Meeting until a final draft satisfies the whole body of the commissioners. A draft becomes an official act of the Conference by a majority vote of the states (one vote to each state). The vote by states completes the drafting work, and the act is ready for consideration by the state legislatures.

The cost of this process to the states is in travel expenses, paper and publication costs, and meeting costs. Nearly all the services are donated, thereby eliminating the single greatest cost factor. For the states, with their necessary cost consciousness, the system has extraordinary value.

VI. The Importance of Maine's Contribution

Maine's participation, both in terms of appointing uniform law commissioners and contributing funds, is essential. Maine benefits from the excellent body of law created for its consideration. The Conference, and all the states, benefit from having Maine's direct contribution to the work of NCCUSL. Maine's ideas and experience influence the whole, and the uniform law process is not complete without them. Value contributed returns value, and everybody in every state benefits.

UNIFORM AND MODEL ACTS ENACTED IN MAINE:

The National Conference of Commissioners on Uniform State Laws
drafted each of these uniform and model acts.

1. Air Licensing (1930): *Enacted 1930*
2. Alcoholism and Intoxication Treatment (1971): *Enacted 1974*
3. Anatomical Gift (1968): *Enacted 1969*
4. Appointment of Commissioners, Act to Provide for (1944): *Enacted 1955*
5. Arbitration (1956): *Enacted 1967*
6. Attendance of Witnesses from Without a State in Criminal Proceedings, Act to Secure (1936): *Enacted 1939*
7. Bills of Lading (1909): *Enacted 1917*
8. Certification of Questions of Law * (1967): *Enacted 1965*
9. Child Custody Jurisdiction (1968): *Enacted 1979*
10. Child Custody Jurisdiction and Enforcement (1997): *Enacted 1999*
11. Civil Liability for Support (1954): *Enacted 1955*
12. Commercial Code (1951): *Enacted 1963*
13. UCC Article 2A (1987)(1990): *Enacted 1992*
14. Revised UCC Articles 3 and 4 (1990): *Enacted 1993*
15. UCC Article 4A (1989): *Enacted 1992*
16. Revised UCC Article 5 (1995): *Enacted 1997*
17. Revised UCC Article 6 (Repeal): *Enacted 1992*
18. Amendments to UCC Article 8 (1977): *Enacted 1988*
19. Revised UCC Article 8 (1994): *Enacted 1997*
20. Amendments to UCC Article 9 (1972): *Enacted 1977*
21. Revised UCC Article 9 (1999): *Enacted 2000*
22. Common Trust Fund * (1938): *Enacted 1951*
23. Condominium (1977)(1980): *Enacted 1982*
24. Conservation Easement (1981): *Enacted 1985*
25. Consumer Credit Code (1968): *Enacted 1974*
26. Criminal Extradition (1926): *Enacted 1929*
27. Amendments to Criminal Extradition (1932): *Enacted 1933*
28. Revised Criminal Extradition (1936): *Enacted 1939*
29. Deceptive Trade Practices (1964): *Enacted 1969*
30. Declaratory Judgments (1922): *Enacted 1941*
31. Determination of Death (1980): *Enacted 1983*
32. Disclaimer of Transfers by Will, Intestacy or Appointment (1973): *Enacted 1975*
33. Disclaimer of Transfers under Nontestamentary Instruments (1973): *Enacted 1975*

(As of 2-23-07)

34. Division of Income for Tax Purposes (1957): *Enacted 1969*
35. Durable Power of Attorney (1979): *Enacted 1981*
36. Amendments to Durable Power of Attorney (1987): *Enacted 1992*
37. Electronic Transactions (1999): *Enacted 2000*
38. Enforcement of Foreign Judgments (1964): *Enacted 1975*
39. Environmental Covenants (2003): *Enacted 2005*
40. Evidence, Rules of (1974): *Enacted 1975*
41. Flag (1917): *Enacted 1919*
42. Federal Lien Registration (1978)(1982): *Enacted 1989*
43. Fraudulent Transfer (1984): *Enacted 1986*
44. Gifts to Minors (1956): *Enacted 1959*
45. Revised Gifts to Minors (1965): *Enacted 1967*
46. Health-Care Decisions (1993): *Enacted 1995*
47. Interstate Arbitration of Death Taxes (1943): *Enacted 1949*
48. Interstate Compromise of Death Taxes (1943): *Enacted 1949*
49. Interstate Family Support (1992): *Enacted 1994*
50. Amendments to Interstate Family Support (1996): *Enacted 1997*
51. Amendments to Interstate Family Support (2001): *Enacted 2003*
52. Joint Obligations (1925): *Enacted 1965*
53. Judicial Notice of Foreign Law (1936): *Enacted 1939*
54. Jury Selection and Service (1970): *Enacted 1972*
55. Limited Partnership (1916): *Enacted 1970*
56. Revised Limited Partnership (2001): *Enacted 2006*
57. Management of Institutional Funds (1972): *Enacted 1973*
58. Motor Vehicle Certificate of Title and Anti-Theft (1955): *Enacted 1974*
59. Narcotic Drug (1932): *Enacted 1941*
60. Negotiable Instruments Law (1896): *Enacted 1917*
61. Partnership (1914): *Enacted 1973*
62. Revised Partnership (1994)(1997): *Enacted 2006*
63. Paternity (1960): *Enacted 1967*
64. Photographic Copies of Business and Public Records as Evidence (1949): *Enacted 1955*
65. Premarital Agreement (1983): *Enacted 1987*
66. Principal and Income (1997): *Enacted 2002*
67. Probate Code (1969)(1975): *Enacted 1978*
68. Reciprocal Enforcement of Support Act (1950): *Enacted 1951*
69. Amendments to Reciprocal Enforcement of Support (1952): *Enacted 1953*
70. Recognition of Acknowledgments (1968): *Enacted 1970*
71. Rendition of Prisoners as Witnesses in Criminal Proceedings (1957): *Enacted 1967*

(As of 2-23-07)

72. Rights of the Terminally Ill (1985): *Enacted 1985*
73. Amendments to Rights of the Terminally Ill (1989): *Enacted 1990*
74. Sales (1906)(1922): *Enacted 1923*
75. Securities (1956)(1958): *Enacted 1985*
76. Revised Securities (2002): *Enacted 2005*
77. Simplification of Fiduciary Security Transfers (1958): *Enacted 1959*
78. Simultaneous Death (1940): *Enacted 1941*
79. Stock Transfer (1909): *Enacted 1943*
80. Testamentary Additions to Trusts (1960): *Enacted 1963*
81. TOD Security Registration Act (1989): *Enacted 1998*
82. Trade Secrets (1979)(1985): *Enacted 1987*
83. Traffic on Highways, Act Regulating * (1926): *Enacted 1929*
84. Transfer of Dependents (1935): *Enacted 1963*
85. Transfers to Minors (1983)(1986): *Enacted 1988*
86. Trust Code (2000): *Enacted 2004*
87. Trusts Receipts (1933): *Enacted 1955*
88. Unclaimed Property (1981): *Enacted 1988*
89. Revised Unclaimed Property (1995): *Enacted 1997*
90. Veterans' Guardianship (1928): *Enacted 1929*
91. Revised Veterans' Guardianship (1942): *Enacted 1949*
92. Voting by New Residents in Presidential Elections (1962): *Enacted 1963*
93. Warehouse Receipts (1906): *Enacted 1917*

DAVID E. BOULTER

EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

O.F.P.R.

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MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

Memo

To: Senator Margaret Rotundo, Senate Chair
Representative Jeremy Fischer, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

From: John L. Martin, Chair, Budget Subcommittee
Legislative Council

Date: March 13, 2007

Re: Follow-up on Legislative Council Budget Testimony on LD 499

Thank you for the opportunity to clarify several issues raised at the public hearing last Friday. I am responding to the three issues raised by committee members as noted below.

1. Parking lot and south access

A member had inquired about the south access and parking lot improvements made last summer and fall. Attached is information summarizing the project and the need for the work.

2. Disability parking

The number of disability parking spaces in the State House complex is now 50 according to the Chief of Capitol Security, an increase of about 10 spaces from pre-construction 2006.

3. FY07 anticipated balances in legislative account

FY 07 Projected Balance Analysis is attached.

If you have additional questions, please let me know.

Thank you.

Attachments

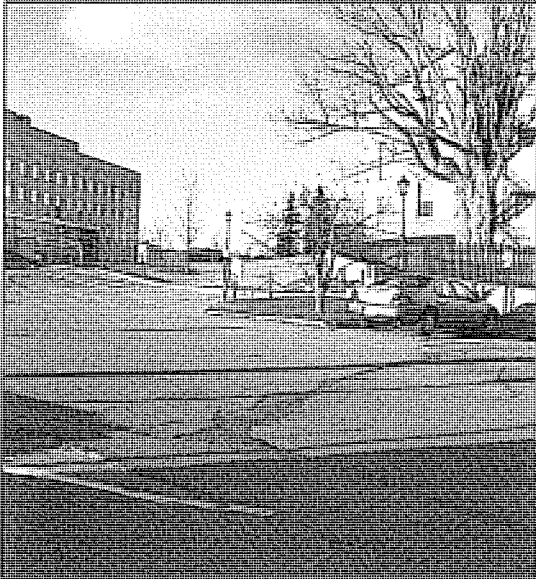
cc: David Boulter, Executive Director
Legislative Council

South Access to the State House and Parking Lot
2006

The State Street entrance and roadway have been redesigned for improved pedestrian and vehicular safety and greater ease of access to the State House and the cultural building. Two-way traffic lanes are provided for vehicles traveling across the complex, and one-way travel lanes are provided for direct access to the State House and the cultural building for passenger loading and unloading. Extensive sidewalks and period style lighting have been added for pedestrian safety along with emergency call boxes. Visitors to the State House may use the public entrance which is fully ADA accessible from the pedestrian drop-off/pick-up plaza. Plantings and other final landscaping of the central green space will be completed in the spring. Directional signage has been added to improve traffic flow.

Prior to construction, the plan was reviewed by traffic engineers, the directors of the State Museum, Archives and Library, the Maine State Historic Preservation Commission, Bureau of General Services, Chair of the State House and Capitol Park Commission, City of Augusta engineer, and the Chief of Capitol Security. The plan received the unanimous approval of the State House Facilities Committee, the Legislative Council and the Capitol Planning Commission.

The project represents a significant improvement in pedestrian and vehicular safety.



PROJECT 06.3

South State House Access and Traffic Improvements

What Needs to Be Done?

Completed in 2001, the new West Wing entrance to the State House has greatly improved pedestrian access and circulation in the immediate vicinity of the State House and Cross Building. What remains undone is vehicular access and pedestrian drop-off access to the main entrance. This project involves final design and the construction of safe, convenient, and aesthetically pleasing access to the State House's main entrance.

Currently, the site layout of south parking lots, vehicular drives, and drop-off areas presents a confusing, unsightly, and unsafe condition for visitors, legislators, and State House employees. In addition to Legislators and employees who frequent the State House, many tens of thousands of people visit the State House annually, including school-age children on school tours. This project will improve all aspects of this south access. Currently, no sidewalks exist to provide pedestrians safe access to the State House Legislative and public parking lots or the Maine State Museum and State Library. The current layout forces Legislators, staff, and visitors alike to walk in the roadway and between parked vehicles to travel between the parking lots and the State House. There are no defined walkways or motor vehicle drop-off points for visitors or informational signage to either provide directions for drop-off and parking or even identify an area as the entrance to the State House.

Within the context of the south access drive and parking lots, conceptual studies have focused on improvements to vehicular and pedestrian circulation and safety while increasing orientation to the State House and its public entrance. In 2005 a conceptual design was developed and site plans reviewed by the Facilities Committee. At that time, additional design work and traffic consultant review was authorized. Improved access and safety of vehicular drop-off areas, particularly those involving school buses, has been provided. The overall goal of this project is to redesign vehicular and pedestrian access to the main entrance of the State House in a manner that enhances the West entrance as the main entrance and provides safe and convenient access for everyone visiting the State House and grounds.

Why?

Currently, the site layout of south parking lots, vehicular drives, and drop-off areas presents a confusing, unsightly, and unsafe context for visitors, legislators, and State House staff. This project will improve all aspects of this experience. Currently, no sidewalks exist to provide pedestrians safe access to legislative and public parking lots or the Maine State Museum and State Library. There are no defined walkways or drop-off points for visitors.

MAINE STATE LEGISLATURE							
FY 07 Projected Balance Analysis							
GENERAL FUND							
Account Number	Account Name	Personal Services	All Other	Capital	Total	PROJ. NEED	AMOUNT AVAILABLE
01030A004001	Legislative Branch-Wide		\$0		\$0		\$0
01030A005301	Comm on Interstate Coop		\$0		\$0		\$0
01030A008101	Legislative	\$600,000	\$200,000	\$0	\$800,000	\$800,000	\$0 ¹
01030A024201	Comm Uniform State Laws		\$0		\$0		\$0
01030A044403	Misc Studies Legislative	\$0	\$0		\$0	\$0	\$0
01030A061501	Leg St Capitol Comm		\$30,000		\$30,000	\$30,000	\$0 ²
	Legislative Accounts - Total	\$600,000	\$230,000	\$0	\$830,000	\$830,000	\$0
01031A063601	Law and Legislative Ref. Library	\$125,000	\$15,000	\$0	\$140,000	\$140,000	\$0 ³
01032A097501	Res Fund State Hse Pres & Maint		\$0		\$0		\$0
01033A096701	OPEGA	\$20,000	\$0	\$0	\$20,000	\$20,000	\$0 ⁴
¹ While there is currently an unexpended balance projected, based on past experience the balance of the All Other funds will result from not receiving FY 07 related invoices in time for payment in FY 07. These funds will be carried into FY 08 for payment of prior year invoices.							
A proposal to place laptops in the Chambers is currently being discussed with the costs to be paid from within existing resources. Any funds available within legislative accounts will be applied as needed.							
^{1, 3, 4} The existing collective bargaining agreement will expire on September 30, 2007. Until such time as negotiations are complete, it will not be possible to determine the additional costs of the contract, if any, and what the Council's decision will be for applying certain provisions to the remainder of legislative staff. In the past, the Legislative Budget has absorbed the costs from available balances and it is expected that balances will again be reserved to the extent possible and utilized for this purpose.							
² A Multi Year Plan for Park Improvements and Maintenance for years 2006-2010 was approved by the Legislative Council in September 2005. Improvements to Capitol Park will be made using funding available through the State House and Capital Park Commission on a pay-as-you go basis. This project will be built in phases depending on available funding.							



DAVID E. BOULTER

EXECUTIVE DIRECTOR
OF THE LEGISLATIVE COUNCIL

COPY

MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL

May 4, 2007

Honorable Margaret Rotundo, Senate Chair
Honorable Jeremy Fischer, House Chair
Joint Standing Committee on Appropriations
and Financial Affairs
123rd Maine Legislature

Dear Senator Rotundo and Representative Fischer:

On behalf of the Legislative Council, I have enclosed a Legislative Council amendment to the Governor's 2008-2009 Budget Bill, LD 499. This amendment implements the adjustment unanimously approved by the Legislative Council at its meeting on April 26, 2007. It lapses a total of \$500,000 to the General Fund from legislative accounts at the close of fiscal year 2006-07.

Please contact me if you or members of the committee have questions concerning the amendment. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "David E. Boulter".

David E. Boulter
Executive Director

Enclosure

cc: Members of the Joint Standing Committee on Appropriations and Financial Affairs
Senate President Beth Edmonds, Chair, Legislative Council
Speaker Glenn Cummings, Vice-chair, Legislative Council
Grant Pennoyer, Director, OFPR
Rose Breton, Legislative Finance Director

**Legislative Council Amendment to Governor's 2008-2009 Budget Bill
LD 499**

Amend the bill by adding a new Part to include the following adjustment to the Legislature:

**PROPOSED AMENDMENT
PART _____**

Legislative account; lapsed balances; Legislative-General Fund. Notwithstanding any other provision of law, \$350,000 of unencumbered balance forward in the Personal Services line category in the Legislative General Fund account in the Legislature lapses to the General Fund at the close of fiscal year 2006-07.

Legislative account; lapsed balances; Office of Program Evaluation and Government Accountability-General Fund. Notwithstanding any other provision of law, \$150,000 of unencumbered balance forward in the Personal Services line category in the Office of Program Evaluation and Government Accountability General Fund account in the Legislature lapses to the General Fund at the close of fiscal year 2006-07.

SUMMARY

This amendment implements the adjustment unanimously approved by the Legislative Council at its meeting on April 26, 2007. It provides that \$500,000 from legislative accounts within the Legislature lapses to the General Fund at the close of fiscal year 2006-07.