

# MAINE STATE LEGISLATURE

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REP. JOHN RICHARDSON  
CHAIR

SEN. BETH EDMONDS  
VICE-CHAIR



122<sup>ND</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

SEN. MICHAEL F. BRENNAN  
SEN. PAUL T. DAVIS, SR.  
SEN. KENNETH T. GAGNON  
SEN. CAROL WESTON  
REP. GLENN A. CUMMINGS  
REP. DAVID E. BOWLES  
REP. ROBERT W. DUPLESSIE  
REP. JOSHUA A. TARDY

DAVID E. BOULTER  
EXECUTIVE DIRECTOR

**LEGISLATIVE COUNCIL**  
**September 21, 2006**  
**1:00 p.m.**  
**REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	<b>CALL TO ORDER</b>	
	<b>ROLL CALL</b>	
1	<b>SUMMARY OF THE AUGUST 24, 2006 COUNCIL MEETING</b>	Acceptance
	<b>REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS</b>	
8	• Executive Director's Report (Mr. Boulter)	
10	• Fiscal Report (Mr. Pennoyer)	
11	• Information Technology Report (Mr. Mayotte)	
12	• Status of Legislative Studies (Mr. Norton)	
	<b>REPORTS FROM COUNCIL COMMITTEES</b>	
	• <b>Personnel Committee</b> (Rep. Cummings, Chair)	
	• <b>State House Facilities Committee</b> (Sen. Gagnon, Chair) (No Report)	

## **OLD BUSINESS**

None

## **NEW BUSINESS**

- |    |  |             |
|----|--|-------------|
| 15 | <b>Item #1:</b> Commission To Study The Cost of Providing Certain Services in the Unorganized Territories – Request for approval to hold two additional meetings                             | Decision    |
| 16 | <b>Item #2:</b> Commission to Arrange for a Monument Honoring Women Veterans of Maine - Work Plan and Budget Submission pursuant to Resolves 2006, Chapter 215                               | Decision    |
| 19 | <b>Item #3:</b> Task Force to Study Maine's Homeland Security Needs – Request for extension to submit final report from November 1 to December 22, 2006                                      | Decision    |
| 23 | <b>Item #4:</b> Joint Select Committee on Research, Economic Development & the Innovation Economy – Request for 2 additional meetings, additional funding and extension of final report date | Decision    |
| 24 | <b>Item #5:</b> Request for review of partial payment of dues to National Conference of Commissioners on Uniform State Laws  | Decision    |
| 47 | <b>Item #6:</b> Tentative Legislative Budget 2008-2009 Submission  | Information |

## **ANNOUNCEMENTS AND REMARKS**

## **ADJOURNMENT**

REP. JOHN RICHARDSON  
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**MEETING SUMMARY**  
**August 24, 2006**

**CALL TO ORDER**

The Chair, Speaker Richardson, called the Legislative Council meeting to order at 1:35 p.m. in the Legislative Council Chamber.

**ROLL CALL**

**Senators:** President Edmonds, Sen. Gagnon, Sen. Davis  
Absent: Sen. Weston, Sen. Brennan

**Representatives:** Speaker Richardson, Rep. Cummings, Rep. Duplessie, Rep. Tardy  
Absent: Rep. Bowles

**Legislative Officers:** David Boulter, Executive Director, Legislative Council  
Grant Pennoyer, Director, Office of Fiscal and Program Review  
Patrick Norton, Director, Office of Policy and Legal Analysis  
Margaret Matheson, Revisor of Statutes  
Michael Cote, Assistant Clerk of the House

**SUMMARY OF THE JULY 27, 2006 COUNCIL MEETING**

**Motion:** That the Meeting Summary of July 27, 2006 be accepted and placed on file. (Motion to accept by President Edmonds, second by Rep. Duplessie, motion approved unanimous (6-0)).

**TECHNICAL CORRECTION TO APRIL 24, 2006 SUMMARY**

Mr. Boulter explained that the Legislative Council meeting summary for April 24, 2006 had reported that the Legislative Council's decision to approve funding for the CSG Agriculture Stewardship program was unanimous. That was in error. There were actually two votes related to that motion. The tabling motion had been unanimous; however the motion to fund the program had been approved by a 6-3 vote. Executive Director Boulter recommended that the Legislative Council amend the minutes of the April 24<sup>th</sup> meeting to correctly record the actual vote. Motion to make the correction to the April 24, 2006 meeting summary by President Edmonds, second by Sen. Gagnon, motion approved unanimous (7-0).

## REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

David Boulter, Executive Director reported the following:

1. **State House Facilities Renovation Projects**

The summer construction projects are proceeding on schedule. Excellent progress has been made over the past month on the south access and parking lot and with the building repointing. The repointing work is ahead of schedule and should conclude by mid-September. Currently, patching and repainting of the House Chamber are fully underway.

2. **Freedom of Access Website**

OPLA and the Office of Legislative Information Services are finalizing the website changes authorized by the Legislative Council last month to include information on the Freedom of Access law and exceptions. The website link and exceptions list will be available and posted by the end of next week, with hyperlinks from the 100 or so exceptions to the relevant section of Maine statutes to follow.

3. **Legislative Employee Picnic**

The Legislative Employee Picnic and Recognition Event will be held in Capitol Park on Wednesday, September 6<sup>th</sup>, from 11:30 a.m. to 1:00 p.m. Members of the Legislative Council are welcome and encouraged to attend, and meet informally with staff. A picnic lunch will be served.

4. **Computer Training**

Human Resources Director Debby Olken has developed a computer training program that is open to legislative employees. Working with LIS staff member Linda Weston, she has developed training sessions that are tailored to meet specific needs of legislative employees. Various topics, ranging from Excel training, to use of Outlook's and Word's specialized features will be covered in the session during September and October.

- **Fiscal Report**

Grant Pennoyer, Director, Office of Fiscal and Program Review reported the following:

1. **Revenue Update**

General fund revenue was \$8.8 million above budget projections for the month of July, the first month of FY07, (+4.1% variance). The individual income tax and corporate income tax lines continued to be the major contributors to the positive general fund revenue variance.

Highway fund revenue was over budget in July by \$1.9 million (+7.3%). The fuel taxes line, which ended FY06 with a negative variance of \$5.2 million, was the major reason for the July positive variance. Gasoline tax receipts were still slightly under budget, but revenue from diesel fuel and other special fuels was over budget by \$2.2 million.

## **2. Cash Pool and Cash Balance Trends**

Average balance of the cash pool was \$689.3 million in July. This is above the average July balances of \$590.8 million for the last 5 years and above last July's balance of \$571.2 million.

The general fund balance with the additions to general fund reserve balances as a result of the FY06 positive variance and lapsed balances have provided sufficient cash balances to avoid tax anticipation note borrowing. Some internal borrowing or some temporary lines of credit may be required later in the fiscal year, but cash flow borrowing needs have been significantly reduced.

The highway fund cash balance has continued its downward trend. The cycle for the highway fund cash balance shows a drain over the next few months, related to the construction season.

## **3. Fund for a Healthy Maine Status Report**

Fund for a Healthy Maine ended FY06 with an increase to the budgeted ending balance of \$5.0 million. The increase resulted primarily from the positive revenue variance of \$3.9 million, but was also driven by lapsed program account balances of \$0.7 million and prior period adjustments of \$0.4 million.

The pending fund-wide deallocation of \$8.4 million, which was used to keep the Fund for a Healthy Maine in balance, could be reduced to approximately \$3.3 million. The December revenue forecast will be a critical component in determining the allocation reductions that will need to be distributed to the FHM programs.

## **4. Revenue Forecasting Schedule**

The Consensus Economic Forecasting Commission will meet on October 3<sup>rd</sup> at 9:30AM in Room 228 of the State House. The Revenue Forecasting Committee schedule has not yet been established.

Mr. Pennoyer then briefed members on the difficulty OFPR staff have had obtaining financial information from some state departments, including the Department of Health and Human Services. He explained that on numerous occasions his office has been unable to obtain information needed for OFPR analysis or requested by legislators, negatively affecting the effectiveness of the office. In one situation, a Freedom of Access request had been filed with DHHS to obtain the (public) information. Speaker Richardson asked for clarification about the Freedom of Information request. Mr. Pennoyer responded that a legislator, on his own, and not through OFPR, had made the request because OFPR had been unable to obtain the information requested from DHHS. Speaker Richardson expressed a concern that a legislator had to resort to a FOA request to obtain public information and felt there were other more appropriate and less extraordinary ways to obtain the information. He advised Mr. Pennoyer to notify the Legislative Council Chair and Vice-chair when information is not forthcoming by Executive Branch agencies, so the appropriate official can be contacted directly requesting the information, so in the future, legislators would not feel compelled to file a FOA request for information.

- **Office of Information Services' Report**

Legislative Information Services Director Paul Mayotte was unable to attend the meeting, but included a written report in the Legislative Council packet. Mr. Boulter summarized that report.

Following the report, President Edmonds asked how confident staff are that the MELD system will be ready for full use in January.

Mr. Boulter responded that he felt the MELD system would be ready. He noted that the MELD system had been used to draft legislation during the 2<sup>nd</sup> Session. In addition, staff had contracted with HP programmers who have helped familiarize and train the Revisor of Statute's staff as they work with MELD. Their experiences have been positive so it is anticipated drafting in the MELD system will be successful. Mr. Boulter explained that the challenge now is for staff to develop a system to track and manage the work flow.

President Edmonds then asked Revisor of Statutes Margaret Matheson for her perspective on the status on the MELD system. Ms. Matheson responded that ROS used the MELD system to produce bills in the past session. She said she felt that they could produce all necessary legislative instruments. She also explained that she felt that as with any new system there would be periods when a problem would arise that would need to be addressed. She stated she was cautiously optimistic that bills and amendments could be produced as needed but stated that there might also be issues that might take a little longer to address because the system is new and new issues might arise.

President Edmonds asked to be kept informed if serious issues arose before the Legislative session begins that would affect system functioning so she is not surprised. Ms. Matheson agreed to do so.

Rep. Cummings asked if large scale testing of the MELD system is feasible without actually being in session mode. Mr. Boulter responded that he was not aware of a way to perform a large bill load test without being in session. Ms. Matheson said she agreed, but suspected the MELD system would deal with well with the bill volume.

Rep. Cummings then asked if there is a backup system in place in case MELD does not perform up to expectations. Mr. Boulter responded that a contingency plan will be in place. Speaker Richardson asked Mr. Boulter to work with LIS and ROS to provide a one or two page memo explaining the backup plan that relates specifically to bill drafting, and what would be needed for contract employees, if any, in the event that the new system does not work.

- **Study Commissions Report**

Mr. Norton, Director of Policy and Legal Analysis reported the following:

He reported that that more than half of the studies have all of their appointments and are now underway. The majority of outstanding appointments are gubernatorial appointments and some studies have not begun because the enabling legislation only became effective on August 23<sup>rd</sup>.

## **PERSONNEL COMMITTEE**

Rep. Cumming, Chair of the Personnel Committee, reported that the committee met prior to the Legislative Council meeting on August 24, 2006 to review the performance of Patrick Norton, OPLA Director.

Overall, the committee was very pleased with Mr. Norton's performance in his 1<sup>st</sup> year as OPLA director and felt his management skills and accomplishments contribute positively to the work of legislative staff. The committee also authorized a step increase for Mr. Norton effective on his work anniversary date. No Legislative Council action is required.

The Personnel Committee postponed its review of Paul Mayotte's performance and consideration for re-appointment as LIS director until September to accommodate Mr. Mayotte's earlier scheduled vacation plans.

## STATE HOUSE FACILITIES COMMITTEE

Sen. Gagnon reported that the State House Facilities Committee had met earlier in the week and the following:

1. Request to increase lighting in the Klir Beck wildlife dioramas

Rep. Bowles raised the issue of inadequate lighting to properly view the 4 dioramas, a problem that has plagued the dioramas since their re-installation several years ago. The committee discussed the matter with J.R. Phillips, director of the Maine State Museum, who had consulted with Conservator Ron Harvey. Mr. Phillips indicated that the museum has developed an alternative LED lighting plan that would result in significantly better illumination of all dioramas without damaging them. Cost estimates to install additional lighting will be developed. The facilities committee agreed to the museum's approach and asked that the lighting changes be fully completed by October 31, 2006.

2. Report on Capitol Security and Recommended Improvements in State House Security

The committee concluded its review of Capitol Security and State House security, discussed various issues and voted to present its report and make nine recommendations for improving security to the full Legislative Council for its consideration. The report is comprehensive, a copy of which was included in the Legislative Council's packet. Sen. Gagnon said he would be presenting a motion to approve the report and recommendations. Motion by Rep. Duplessie that the Legislative Council accept the Report on Capitol Security and Recommendations for Improving Security in the State House and Other Legislative Areas, second by President Edmonds, motion approved (6-0), Rep. Cummings was absent for the vote.)

Sen. Gagnon then asked Chief Switter to introduce the new Chief of Capitol Security, Russell Gauvin, formerly of the Portland Police Department.

Speaker Richardson acknowledged that Chief Switter is retiring and thanked him for his service to the State of Maine and to the security of the Legislature. He welcomed Chief Gauvin. Sen. Davis also congratulated Chief Switter on his retirement and wished the new Chief well. Sen. Gagnon also thanked the Chief, and for his help with the security.

Speaker Richardson noted that the report on Capitol Security recommended four additional security staff. He suggested that if the budget would not allow for four full-time security officers then there should be at least four session-only employees who would be here when the Legislature is in session.



### 3. Recommendation on Installation of Internet Video Capability in Senate Chamber

The committee reviewed a report and recommendation prepared by the Office of Legislative Information Services regarding installation of video cameras and broadcast capability in the Senate chamber. After discussion, the committee voted to accept the proposal by Advance Technology of Scarborough, as recommended by Mr. Mayotte.

The system will provide for live broadcasting of Senate proceedings using 3 discretely located cameras and will allow for viewing of each Legislator who is speaking by linking cameras to the existing sound system. The Senate President supports this proposal. In approving the recommendation, the committee concluded the proposed plan is compatible and integrated with other State House infrastructure, and further voted to defer to the Senate President the decision whether to install and operate the approved video broadcast system in the Senate for the 123<sup>rd</sup> Legislature.

## OLD BUSINESS

### Item #1: Maine Development Foundation's Proposal for Legislator Training- 123<sup>rd</sup> Legislature

Ms. Lachance was unable to attend the meeting but provided a memo for members' review. Speaker Richardson said that he felt Council members could discuss the training based on the report provided by Ms. Lachance. The members then discussed issues related to the legislative training including the schedule.

President Edmonds said that December 6<sup>th</sup> is when Legislators will be sworn in. MDF suggests having legislators stay that afternoon and evening and then continue orientation on December 7<sup>th</sup>. She was concerned about holding any orientation session on the evening of December 6<sup>th</sup> because many members will want to spend the evening with their families who attended the swearing in ceremony. However, President Edmonds felt orientation sessions should definitely continue on December 7<sup>th</sup> and a final half day session should be scheduled in January, possibly a Wednesday morning before leaving on the bus tours. She said that she supported having a policy forum in December during the pre-legislative conference.

(Motion by President Edmonds to accept MDF's proposal with an amendment that the 1<sup>st</sup> policy forum date be December 7<sup>th</sup> and the 2<sup>nd</sup> policy forum in January, that the bus tours be January 10<sup>th</sup> – 12<sup>th</sup> and 17<sup>th</sup> – 19<sup>th</sup>, and that MDF be authorized to fundraise to pay for the training sessions, second by Sen. Davis, motion approved unanimous (7-0).

Rep. Cummings asked whether all issues raised by MDF in Ms. Lachance's memo had been fully resolved. Speaker Richardson responded that some had been answered and suggested that the other questions be handled by presiding officers or by the members of the work group that has been convened to guide the training session program. Rep. Cummings agreed.

## NEW BUSINESS

### Item #1: Proposed Liaison Training Session

Mr. Boulter presented a staff proposal to conduct a seminar for legislative liaisons. He explained that much of the proposed training had been conducted in the past but in a piecemeal fashion. The proposal is for an integrated and comprehensive program for Executive Branch officials who interact with the Legislature. He noted that numerous agencies have sought information on how to file rules, draft bills, and

other legislative procedures. The training session would serve two purposes: 1) it will help agency officials do their job better; and 2) it will help legislative staff do their job better as well since the information from agencies will be developed in the appropriate legislative format or in a manner that can be accepted readily.

Motion by Sen. Gagnon to approve the staff request to conduct a training session, second by Rep. Duplessie. Motion approved, unanimous (7-0).

### **Item #2: Request for Review of Joint Standing Committee Jurisdictions**

The Legislative Council members reviewed a request by Rep. Moulton. OPLA Director Patrick Norton explained that as OPLA was coordinating the update of the Legislators' Handbook, Rep. Moulton requested changes to the handbook relating to the jurisdiction of committees. Mr. Norton asked that the changes be discussed by the Legislative Council, since the suggested changes are not administrative but represent policy decisions about joint standing committee jurisdictions.

Rep. Moulton then addressed the Legislative Council and explained that he had a concern about policy shifts within the areas of land use and planning. Rep. Moulton said that since the Joint Rules are adopted at the beginning of the session, and since many legislators do not give a lot of consideration to the rules at that time, he was requesting the Council refer the matter to the Joint Select Committee on Joint Rules. He asked that some thought be given to making adjustments to committee jurisdictions as they relate to land use planning in order to assure consistency in the referral of bills to committees and subsequent committee review of the policy issues.

President Edmonds agreed that referring the matters to the Joint Select Committee on Joint Rules for review was appropriate.

Speaker Richardson requested that Mr. Boulter prepare a letter referring the matter to the Joint Select Committee on Joint Rules, attaching both Mr. Norton's and Rep. Moulton's memos, indicating that the Legislative Council was asking the committee to review the matter.

## **ANNOUNCEMENTS AND REMARKS**

None.

## **ADJOURNMENT**

The Legislative Council meeting was adjourned at 2:40 p.m. Motion by President Edmonds to adjourn. (Motion was approved unanimous (7-0)).



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Legislative Council  
Executive Director's Report  
September 21, 2006**

**1. 2006 State House Facilities Renovation Projects**

The construction projects are proceeding on schedule. Building repointing work is completed. Most interior patching and painting work is completed. Staging in the House Chamber will be removed next week, after which the north parking lot will be available for regular use. The south access and parking lot project is scheduled for completion by November 1<sup>st</sup>.

**2. Freedom of Access Website (update)**

The website changes to post statutory exceptions to "public records" under the State's Freedom of Access law, as authorized by the Legislative Council, have been made. Members of the public may access the Internet website from the Legislature's homepage or directly by <http://www.maine.gov/foaa/law/exceptions.htm>.

**3. Klir Beck Diorama Lighting (update)**

The Maine State Museum has been working with Tuckerbrook Conservation, LLC (Conservator) to develop an acceptable plan to increase lighting in each of the dioramas, as requested by the State House Facilities Committee. The plan is to install LED test lighting as a Phase 1 for each of the 4 dioramas and upon successful testing, order and install the lighting and related equipment. Projection completion should be before December 1, 2006.

**4. YMCA of Maine, Youth in Government Program**

The YMCA is seeking confirmation of the acceptable date for the 2007 Youth in Government program. Requested dates are in late April or early May. After discussion by key legislative offices, I anticipate a decision will be made before the end of September. About 200 students and advisors participate in the program each year.

**5. Union Street Reconstruction (update)**

Work on Union Street (adjacent to Capitol Park) has begun. Water and sewer line work has been completed. Placement of electrical utilities will be placed underground and some road repavement will be completed this fall. Completion is scheduled for spring 2007.

**6. Opening of New Kennebec Valley YMCA Facility**

The KVYMCA opened its new facility on September 12<sup>th</sup>. The facility is located off Union Street, adjacent to Capitol Park. The facility has 2 swimming pools, a gym and an extensive fitness center. Membership is open to Legislators on a daily, annual or partial year basis.

**7. Pandemic Flue Preparedness Summit**

HR Director Debby Olken attended a major state government summit this week on preparing for a pandemic flu outbreak. Over 1,000 people attended to better understand what measures should be taken to prepare for an epidemic. Participants will be reviewing development of a plan and checklist to address business continuity and provide essential services as they relate to government operations.

**8. Pre-legislative Conference Program**

Preparations for the 123<sup>rd</sup> Legislature's Pre-legislative Conference program sponsored by the outgoing Legislative Council are underway. This program will coordinate with MDF's proposed legislative policy sessions. A small subcommittee (2-3 members) working with other legislative officers of the Legislative Council would be useful to establish the program for the 4 day conference that begins on December 4, 2006.

# **Fiscal Briefing for the Legislative Council**

Legislative Council Meeting  
September 21, 2006

*Prepared by the  
Office of Fiscal & Program Review*

## **Executive Summary**

### **1. Revenue Update (See Attachment A)**

- General Fund revenue was just slightly under budget in August, but remained approximately \$8.8 million (+2.9% variance) over budget for the Fiscal Year-to-date (FYTD). The Individual Income Tax and Corporate Income Tax continue to be the major contributors to the positive FYTD variance. The "Other Revenue" line is another major contributor to this excess revenue, but some of this may be overstated due to a significant amount of "undistributed" revenues at the Department of Inland Fisheries and Wildlife.
- Highway Fund revenue was under budget in August by \$5.6 million, offsetting July's positive variance and resulting in a negative variance of the FYTD of \$3.7 million (-9.6%). The Fuel Taxes line as anticipated more than reversed the temporary positive variance in July. Most other Highway Fund revenue lines were also running under budget.

### **2. Cash Pool and Cash Balance Trends (See Attachment B)**

- Average balance of the Cash Pool was \$668.8 million in August. This is above the average August balances of the last 5 years of \$654.7 million and approximately equal to last year's average balance in August. Last August, the average balance included \$123.6 million of Tax Anticipation Note (TAN) borrowing, which is not in the total this August.
- The General Fund needed to borrow \$30 million internally from Other Special Revenue Funds at the end of August, but the expectation still is that no TAN borrowing will be required in this fiscal year.
- Highway Fund average cash balances continued their downward trend in August and were nearly \$50 million below the average balance of a year ago. No further updates on how the administration plans to manage the typical demand for Highway Fund cash over the next couple of months of the heavy construction season.

### **3. Revenue Forecasting Schedule**

- Consensus Economic Forecasting Commission will meet on October 3<sup>rd</sup> at 9:30AM in Room 228 of the State House.
- Revenue Forecasting Committee schedule will meet on October 24<sup>th</sup> at 9:30AM in Room 228 of the State House to review the revenue sources not drive by the economic models and will meet again on November 28<sup>th</sup> (also at 9:30AM in Room 228) to conclude the forecast with a review of the major tax lines driven by the economic forecast.

**122<sup>nd</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL  
Preliminary Technology Report  
September 14, 2006**

**Bill Drafting System: (update)**

- The warranty list is closed
- HP will complete its work on September 30th and deliver the final MELD source code shortly thereafter
- Preparation for the 123<sup>rd</sup> Legislature
  - The schedule requires the Revisor's Office begin drafting in mid-October
  - The final Wang statute database update for the 122<sup>nd</sup> is the baseline to establish the MELD statute database for the 123<sup>rd</sup>
  - The Wang statute database update was completed ahead of schedule
  - The MELD statute database has been updated and is being checked by ROS. When ROS completes its review, the database will be loaded into the MELD production environment
  - The process of creating Legislative Requests (LRs) in MELD has started

**Bill Drafting Contingency Plan: (Council Directed Action)**

- The Director of Legislative Information Services and the Revisor of Statutes are taking the necessary actions to fully prepare the existing Wang bill drafting system to be able to draft bills and amendments for the 123<sup>rd</sup> Legislature.
- The Wang drafting system will not be used in parallel with MELD. Use of the Wang system to draft bills would only take place if the contingency plan were implemented.

**Data Back Up Processing: (update)**

- All backups are current and being performed to the established procedures
- The software to standardize the automated tape backup process has arrived with installation and testing underway
- The offsite equipment racks for remote backup processing are in place at CMCC
- The backup hardware/software being installed at CMCC will be fully tested before being moved to CMCC
- The options for establishing high-speed data communications with CMCC are under review

**122<sup>nd</sup> MAINE STATE LEGISLATURE**  
**LEGISLATIVE COUNCIL**  
**Preliminary Technology Report**  
**September 14, 2006**

**Data Back Up Processing: (update)**

- All backups are current and being performed to the established procedures
- The software to standardize the automated tape backup process has arrived with installation and testing underway
- The offsite equipment racks for off-site backup processing are in place at the Central Maine Commerce Center (CMCC) (Public Safety Building)
- The backup hardware/software being installed at CMCC will be fully tested before being moved to CMCC
- The options for establishing high-speed data communications with CMCC are under review

## Memorandum

Date: September 20, 2006

From: Patrick Norton, Director, Office of Policy and Legal Analysis

To: David Boulter, Executive Director, Legislative Council

Re: Remaining interim Legislative study appointments

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Listed below are the interim Legislative study appointments that still need to be made. Four appointments are still needed from the Speaker, four from the President and 18 from the Executive. The legislation establishing these studies specifies that appointments be made within 30 days after the effective date of the legislation. The effective date of the legislation establishing these studies was August 23, 2006.

**Henderson Brook Bridge (Allagash study) (PL 2005, c. 598):**

- 15 member study; 12 of 15 appointments made so far;
- No further appointments needed by Speaker;
- No further appointments needed by President.
- 3 appointments still needed from the Governor (3 persons representing statewide environmental organizations)

**Right to Know Advisory Commission (Resolve 2005, c. 631)**

- 15 member study; 9 of 15 appointments made to date;
- No further appointments needed by the Speaker;
- 2 appointments still needed by the President;
- 4 appointments still needed by the Governor: (3 persons, plus one ex-officio member)

**Human Trafficking Task Force (Resolve 2005, c. 200)**

- 12 member study; 11 of 12 appointments made to date
- No further appointments needed by the Speaker;
- 1 appointment still needed by the President: (1 non-legislator);
- No further appointments needed by the Governor;

**Retirement Age for Corrections Officers and Mental Health Workers (Resolve 2005, c. 181)**

- 9 member study; 6 appointments made to date
- 3 appointments still needed by the Speaker (3 members of the House);
- No further appointments needed by the President;
- No Governor appointments required for this study

**Maine Energy Council (PL 2005, c. 677, Part D)**

- 17 member council; 4 of 17 members appointed to date
- 1 appointment still needed by Speaker (has appointed 1 member of the House, but still needs to appoint 1 more member of the House)
- 1 appointment still needed by the President (has appointed 1 member of the Senate, but still needs to appoint 1 more member of the Senate)
- 11 appointments still needed from the Governor and the PUC

Thank you. Please let me know if you have any questions about this information.

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## 2006 Interim Study Status Report

Prepared by OPLA. (Current as of September 20, 2006)

#	Study Name	Recent or Planned Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff	Status
1	<b>Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway</b> (P.L. 2005, c. 598)	Scheduled to meet 9/22/06	11/1/06 Prelim. Report to ACF; Final report to ACF by 1/15/07	15	12	Two Senators	Three members of the House	Governor appoints: three environmental representatives; one person from the Friends of the Allagash; one person from JD Irving; one person from Clayton Lakes Woodlands, and one person from Seven Islands. Also 3 ex-officio members are named.	OPLA	Majority of appointments made; First meeting scheduled
2	<b>Commission to Study the Costs of Providing Certain Services in the Unorganized Territories</b> (Resolve 2005, c. 125)	Met 7/25/2006 and 8/24/06; A request for two additional meetings has been made to the Leg. Council	Originally 7/1/06 to Legislature, extended to December 2006.	16	16	Two Senators (one from either ACF or NAT), a representative of county government within LURC jurisdiction, two land owners in the unorganized territory (all appointments already made)	Four members of the House (one must be from ACF or NAT), a representative of county government within LURC jurisdiction, and two owners of land in unorganized territory (all appointments already made)	5 ex-officio members (all appointments already made)	OFPR	On-going
3	<b>Maine Food Policy Council</b> (P.L. 2005, c. 614)		12/15 in odd-numbered years to ACF	11	5	None	None	Six by Governor, one by Chancellor Agriculture and four ex-officio	Department of Agriculture	Awaiting completion of appointments
4	<b>Joint Select Committee on Research, Economic Development and the Innovation Economy</b> (JSO SPO847)	Met on 9/14/06; Tentatively scheduled to meet 10/5/06	12/6/06 final Report to Legislature	13	13	Three Senators (from either the ACF, AFA, BRED, EDU, MAR, NAT, TAX or TRA committees)	Ten members of the House (from either the ACF, AFA, BRED, EDU, MAR, NAT, TAX or TRA committees)	None	OPLA	Appointments completed, Held first meeting
5	<b>Task Force to Study Maine's Homeland Security Needs</b> (Resolve 2005, c. 126)	Met on 9/8/06 in Portland; 9/13/06 in York	11/1/06 Final Report to Legislature	11	11	Two Senators (not of the same party) and one person involved in emergency preparedness (all appointments already made)	Four members of the House (not of the same party) and one person involved in emergency preparedness (appointments already made)	Governor appoints three members (appointments already made)	OPLA and MEMA	On-going; Two meeting to be schedule
6	<b>Subcommittee to Study Early Childhood Special Education</b> (P.L. 2005, c. 662, part C)		1/31/07 to EDU, HHS and DOE and DHHS	28	27	Two Senators	Two members of the House	24 members appointed by DOE and DHHS Commissioners	Department of Education	Majority of appointments made
7	<b>Legislative Youth Advisory Council</b> (PL 2001 c.439, as amended by PL 2005, c. 414)		Annually; Legislature	20	14	Two Senators and eight youth members (appointments already made)	Two members of the House and eight youth members (appointments already made)	None	OPLA	Two public forums on youth civic engagement are planned for October 2006

## 2006 Interim Study Status Report

Prepared by OPLA. (Current as of September 20, 2006)

#	Study Name	Recent or Planned Meeting Dates	Report Dates/Reports to:	Total Members	Appointments made to date	Senate Appts specified	House Appts Specified	Other Appts Specified	Staff	Status
8	<b>Task Force to Study Cervical Cancer Prevention, Detection and Education</b> (Resolve 2005, c. 121)	Met 7/18/06 and 8/24/06; Scheduled to meet 9/26/06 and 10/17/06	Final Report 11/1/06 to HHS and Gov	16	16	One Senator and six non-legislators (appointments already made)	One member of the House and six non-legislators (appointments already made)	Two ex-officio members (appointments already made)	OPLA	On-going
9	<b>Right to Know Advisory Commission</b> (P.L. 2005, c. 631)		10/1/05 to HHS; AFA and Gov	15	9	One Senator from JUD and five non-legislators	One member of the House from JUD and four non-legislators	Governor appoints three members. Also one ex-officio member is named..	OPLA	Awaiting completion of appointments
10	<b>Human Trafficking Task Force</b> (Resolve 2005, c. 200)		11/30/06 to Legislature	12	11	One Senator and three non-legislators	One member of the House and three non-legislators	Four ex-officio members are named.	OPLA	Awaiting completion of appointments
11	<b>Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers</b> (Resolve 2005, c. 181)		11/1/06 to Labor Committee	9	6	Two members of the Senate and two non-legislators	Three members of the House and two non-legislators	None	OPLA	Awaiting completion of appointments
12	<b>Citizen Trade Policy Commission</b> (PL 2003, c. 699)	Met on 7/20/06 and 9/7/06; Scheduled to meet 9/18/06 and 11/30/06	Annually to Legislature, Gov and others	22	22	Three Senators (from 2 parties) and three non-legislators (all appointments already made)	Three members of the House (from 2 parties) and three non-legislators	Governor appoints four members. Also one ex-officio member is named.	OPLA	On-going
13	<b>Commission to Arrange for a Monument Honoring Women Veterans of Maine</b> (Resolve 2005, c. 215)	Met on 8/9/06 and 9/7/06; Planning to meet in October	9/1/06 Initial Report to Capitol Planning Commission; 12/7/06 Final Report to Capitol Planning Commission	8	8	One Senator, three persons with military experience and one person from DDVEM	One member of the House and one person from BGS	One ex-officio member is named.	OPLA	Appointments completed; held first meeting
14	<b>Blue Ribbon Commission on Solid Waste Management</b> (Resolve 2005, c. 207)		1/1/07 to NAT	9	9	Three Senators	Four members of the House	Two ex-officio	Department of Environmental Protection	Appointments completed
15	<b>Maine Energy Council</b> (P.L. 2005, c. 677, Part D)		1/15/07 to UTE	17	4	Two Senators	Two members of the House	Nine by Governor, Public Utilities and four ex-officio	Commission	Awaiting completion of appointments

### Appointment Summary

Number of appointed positions	195
Appointments made to date	183
Percent of appointments complete	93.8%

Gi:/management/director/interim activities/council study status report

### Study Activity Summary

Studies awaiting appointments	5
Fully appointed/meeting	10
	15



**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333

**COMMISSION TO STUDY THE COST OF  
PROVIDING CERTAIN SERVICES IN  
THE UNORGANIZED TERRITORIES**

September 11, 2006

Legislative Council  
State House Station 115  
Augusta, Maine 04333

Dear Members of the Legislative Council

Last Spring the Legislative Council approved the request of our commission to hold two additional meetings after the adjournment of the Second Regular Session and granted a reporting extension until December 1, 2006.

The commission has held one meeting and one subcommittee meeting since the end of the Second Regular Session. The issues under consideration by the commission are complex and additional issues were added to our duties by the Legislature in this past session. Therefore, we request Legislative Council permission to hold two additional meetings this Fall to complete our work. We believe that the commission's authorized budget is sufficient to fund these meetings.

If you have any questions about this study, please do not hesitate to contact us.

Sincerely:

A handwritten signature in dark ink, appearing to read "Bruce Bryant".

Sen. Bruce S. Bryant  
Senate Chair

Sincerely:

A handwritten signature in dark ink, appearing to read "Robert Duplessie".

Rep. Robert W. Duplessie  
House Chair

Encl:

cc: David Boulter  
Grant Pennoyer  
Julie Jones  
Teen Griffin

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***Commission to Arrange for a Monument  
Honoring Women Veterans of Maine***

**MEMORANDUM**

**TO:** Representative John Richardson, Speaker of the House, Chair  
Senator Beth Edmonds, President of the Senate, Vice-Chair  
Legislative Council  
c/o David Boulter, Executive Director, Legislative Council

**FROM:** Senator Elizabeth Mitchell, Co-Chair  
Representative Marilyn Canavan, Co-Chair  
Commission to Arrange for a Monument Honoring Women Veterans of Maine

**DATE:** September 6, 2006

**RE:** **Work Plan and Budget**

---

Enclosed please find the work plan and budget for the Commission to Arrange for a Monument Honoring Women Veterans of Maine, which we are submitting in accordance with the requirements set forth in (Resolves 2006, c. 215, Chapter 215).

If you have any questions, please do not hesitate to contact us.

Enclosure

cc: Members, Commission to Arrange for a Monument Honoring Women Veterans of Maine  
Patrick Norton, Director, OPLA

G:\STUDIES-2006\Women Veterans Monument\study workplan cover letter.doc

**WORK PLAN**  
**120th Legislature**  
**(Interim 2006)**

1. **PROJECT:** COMMISSION TO ARRANGE FOR A MONUMENT HONORING WOMEN VETERANS OF MAINE
2. **OBJECTIVE:** Develop recommendations for a design and a location relating to the installation of a monument honoring women veterans of Maine
3. **PROJECT TEAM:** OPLA Staff: Danielle D. Fox
4. **FINAL WORK PRODUCT(S):** Report to the Capitol Planning Commission
5. **ANTICIPATED START & COMPLETION DATES:**      Start: August 9, 2006      Complete: December 7, 2006

6. **PROJECT TASKS:**

<u>Key Elements</u>	<u>Person Responsible</u>	<u>Other Staff Resources Needed and Type</u>	<u>Project Schedule</u>		<u>Consultation Needed With</u>	<u>Element Completed</u>
Organize Commission Meetings – Date, time, location, agenda	Danielle Fox		Duration of Study		Commission chairs: Senator Mitchell and Representative Canavan	
Consultation with Capital Planning Commission and Bureau of General Services	Commission members and staff	CPC chair – role and expectations of CPC made clear  BGS director – assistance with design and location – guidance with regard to construction of monument	Duration of Study			
Facilitate discussion of design of monument	Commission chairs, staff		Duration of Study			
Draft initial report to CPC	Danielle Fox		August 9th	September 1st	Commission members and CPC	
Draft final report to CPC	Danielle Fox		Immediately prior to final meeting through December 1st		Commission members and CPC	

Accepted: \_\_\_\_\_

**Proposed Study Budget**  
**Commission to Arrange for a Monument to Honor Women Veterans of Maine**

Date: August 30, 2006

Study authorized by: Resolve 2006 c. 215

Total members: 8  
Members that are legislators: 2  
Members that are not legislators: 6

Number of authorized meetings (if specified): not specified

Proposed budget:

4 meetings X \$55 per diem X 5 eligible members = \$ 1100 (Personal Services)

4 meetings X \$50 expenses X 5 eligible members = \$ 1000 (All Other)

Copying, mailing and printing costs \$ 500 (All Other)

Additional costs \$ 1000 (All Other)  
for Public Hearing (e.g., consultant, expert services, additional travel costs, public hearing, etc.)

Summary:

	FY06-07
Personal Services	<u>\$1100</u>
All other	<u>\$2500</u>
	<hr/>
Total	<u>\$3600</u>

## TASK FORCE TO STUDY MAINE'S HOMELAND SECURITY NEEDS

Pursuant to Resolve 2005, Chapter 126

TO: Rep. John G. Richardson, Speaker of the House, Chair  
Sen. Beth Edmonds, Senate President, Vice Chair  
Legislative Council  
122nd Maine Legislature  
c/o David Boulter, Executive Director

FROM: Sen. Ethan Strimling, Senate Chair *ES*  
Rep. Stanley Gerzofsky, House Chair *SG*  
Task Force to Study Maine's Homeland Security Needs

DATE: September 15, 2006

RE: Task Force to Study Maine's Homeland Security Needs

Resolve 2005, chapter 126 created the Task Force to Study Maine's Homeland Security Needs, an 11-member task force that began its work in 2005 and continues with that work in 2006. The task force completed its report in 2005 and was successful with the legislation that was submitted to the Second Regular Session of the 122<sup>nd</sup> Legislature.

The task force has begun its 2006 work and has held public meetings in Portland on port security and in Wells on the Mother's Day flood. The task force will hold 2 additional meetings to prepare its final report. As chairs of the task force, we respectfully request an extension until December 22, 2006 to submit our final report, which is due November 1, 2006. The task force requires additional time beyond the November report date in order to fully consider information that will be presented in reports from the Maine Emergency Management Agency and the Maine Center for Disease Control and Prevention and to prepare recommendations based on those reports and the information learned at the 2 public meetings.

Thank you for your consideration of our request. Please let us know if you need additional information.

cc: Patrick Norton, Director, Office of Policy and Legal Analysis  
Members, Task Force to Study Maine's Homeland Security Needs

attachment: (Resolve 2005, chapter 126)

# RESOLVES

## First Special Session of the 122nd

---

### CHAPTER 126 S.P. 610 - L.D. 1645

#### Resolve, To Establish the Task Force To Study Maine's Homeland Security Needs

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** it is appropriate and timely to create a task force to receive the report of Maine's Homeland Security Task Force and to involve and educate the Legislature and the public regarding the issues of preparedness and emergency response; and

**Whereas,** it is also important to identify the State's needs and resource gaps regarding homeland security; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Task force established. Resolved:** That the Task Force to Study Maine's Homeland Security Needs, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 11 members appointed as follows:

1. Two Senators, who may not be members of the same political party, appointed by the President of the Senate;

2. Four members of the House of Representatives, who may not all be members of the same political party, appointed by the Speaker of the House; and

3. Five members representing the public interest who are not directly involved in emergency preparedness or homeland security, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives and 3 members appointed by the Governor; and be it further

**Sec. 3. Chair. Resolved:** That the first-named Senate member is the Senate chair of the task force and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15



days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which may be no later than August 1, 2005; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall do the following:

1. Review Maine's homeland security needs in areas, including, but not limited to, law enforcement, emergency preparedness, public health, port and airport security and sensitive-target security;
2. Review the current state of homeland security preparedness, spending priorities and any gap between available resources and identified needs in such areas as personnel, equipment and training, including review of the impact of Maine National Guard and Reserve deployments abroad on Maine's emergency preparedness;
3. As part of its review of needs and preparedness, receive a report on the status of the Maine's Homeland Security Task Force report on its vision and plans and the status of those plans as of May 2005;
4. Hold at least 2 of its meetings outside of Augusta and provide an opportunity for public comment at those meetings; and
5. Review ways to improve the flow of information to the Legislature and the general public about Maine's homeland security needs and preparedness; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Maine Emergency Management Agency shall provide necessary staffing services to the task force; and be it further

**Sec. 7. Compensation. Resolved:** That the legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. All other members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for attendance at authorized meetings of the task force; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 7, 2005, the task force shall submit an interim report that includes findings and recommendations, including suggested legislation, to the Second Regular Session of the 122nd Legislature. The task force is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report. No later than November 1, 2006, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, to the First Regular Session of the 123rd Legislature. The task force is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, if the task force requires a limited extension of time to complete its interim or final study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. Funding. Resolved:** That the Maine Emergency Management Agency shall transfer \$5,320 at the beginning of fiscal year 2005-06 and \$5,320 at the beginning of fiscal year 2006-07 to the Legislature to support the cost of the task force; and be it further

**Sec. 11. Task force budget. Resolved:** That the chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force's exceeding its approved budget; and be it further

**Sec. 12. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

#### LEGISLATURE

##### Miscellaneous Studies 0444

Initiative: Provides funds for the per diem and expenses for members of the Task Force to Study Maine's Homeland Security Needs as well as public hearings and other costs to support the meetings of the task force.

#### OTHER SPECIAL REVENUE

FUNDS 2005-06 2006-07

Personal Services	\$1,320	\$1,320
All Other	\$4,000	\$4,000

#### OTHER SPECIAL REVENUE

FUNDS TOTAL	\$5,320	\$5,320
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**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 23, 2005.

<a href="#"><u>Revisor of Statutes Homepage</u></a>	<a href="#"><u>Subject Index</u></a>	<a href="#"><u>Search</u></a>	<a href="#"><u>122nd Laws of Maine</u></a>	<a href="#"><u>Maine Legislature</u></a>
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*[About the 1st Regular & 1st Special Session Laws Of Maine](#)*

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Office of the Revisor of Statutes  
State House, Room 108  
Augusta, Maine 04333

[Contact the Office of the Revisor of Statutes](#)

## JOINT SELECT COMMITTEE ON RESEARCH, ECONOMIC DEVELOPMENT & THE INNOVATION ECONOMY

### MEMORANDUM

TO: Representative John Richardson, Speaker of the House, Chair  
Senator Beth Edmonds, President of the Senate, Vice-Chair  
Legislative Council  
c/o David Boulter, Executive Director, Legislative Council

FROM: Senator Lynn Bromley, Senate Chair *LB lms*  
Representative Emily Cain, House Chair *EAC lms*  
Joint Select Committee on Research, Economic Development & the Innovation  
Economy

DATE: September 18, 2006

SUBJ: REQUEST FOR ADDITIONAL MEETINGS AND EXTENSION OF  
REPORTING DEADLINE (Joint Study Order S.P. 847)

The Joint Select Committee on Research, Economic Development & the Innovation Economy is writing to request authorization to hold **two additional meetings** and for an extension of the reporting deadline to **December 15, 2006**. The committee is currently authorized to hold 4 meetings and the committee's reporting deadline is currently December 6th. The estimated cost for 2 additional meetings is \$2,730. The estimated cost is based on paying per diem and expenses to all 13 members for each meeting.

The committee held its first meeting on September 14th and is scheduled to hold its second meeting on October 5th. The third and fourth meetings are not yet scheduled.

Given the number of issues the committee is charged with reviewing, we anticipate that we will be unable to hear from all necessary experts, discuss solutions and make recommendations within the current reporting deadline and the currently authorized 4 meetings. The committee thus far has made good progress and we want to finish our job in a responsible and complete manner.

Thank you for your consideration of this request for two additional meetings and for an extension of the reporting deadline. Please feel free to contact either of us if you have any questions. We look forward to hearing from you.

cc: Patrick Norton, Director, OPLA



LEIGH INGALLS SAUFLEY  
CHIEF JUSTICE

STATE OF MAINE  
SUPREME JUDICIAL COURT

EXECUTIVE DIRECTOR'S  
OFFICE

2006 AUG 28 A 9:34

MAILING ADDRESS:  
142 Federal Street  
R.O. Box 368  
Portland, Maine 04112  
Tel: (207) 822-4286  
Fax: (207) 822-4202

Maine Judicial Center  
65 Stone Street  
Augusta, Maine 04330  
Tel: (207) 287-6950  
Fax: (207) 287-4641

August 25, 2006

David E. Boulter, Executive Director  
Legislative Council  
115 State House Station  
Augusta, Maine 04333-0115

Dear David:

Enclosed, as promised, are materials related to the National Conference of Commissioners on Uniform State Laws. I understand that any decisions regarding the NCCUSL are entirely within the ambit of the Maine Legislature. I pass them along for your information as we discussed, and leave to you and the Legislature any decisions.

As always, it was a pleasure to talk with you. Thank you for your comments regarding the facilities on the government campus. I'm looking forward to working on creative solutions.

All the best for a restful remainder to this beautiful summer.

Sincerely,

Leigh I. Saufley  
Chief Justice

LIS:ajm

cc: Justice Howard H. Dana Jr.  
Paul W. Chaiken, Esq.



LEIGH INGALLS SAUFLEY  
CHIEF JUSTICE

STATE OF MAINE  
SUPREME JUDICIAL COURT

EXECUTIVE DIRECTOR'S  
OFFICE  
2006 AUG 28 A 9:34

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Legislative Council  
115 State House Station  
Augusta, Maine 04333-0115

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All the best for a restful remainder to this beautiful summer.

Sincerely,

Leigh I. Saufley  
Chief Justice

LIS:ajm

cc: Justice Howard H. Dana Jr.  
Paul W. Chaiken, Esq.

# National Conference of Commissioners on Uniform State Laws

211 East Ontario Street, Suite 1300, Chicago, IL 60611 PH: 312/915-0195 FX: 312/915-0187 www.nccusl.org

August 14, 2006

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American Bar Association  
321 N. Clark St.  
Chicago, IL 60610

Justice Howard H. Dana, Jr.  
Associate Justice, Supreme Judicial Court  
Maine Supreme Court  
P.O. Box 368  
Portland, Maine 04112

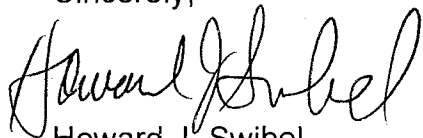
Dear Justice Dana:

I genuinely enjoyed getting to know you at the ABA Annual Meeting earlier this month. We earnestly need help restoring our financial footing in Maine. The last year for which we received full payment was the year ending June 30, 2003. For the year ending June 30, 2004, the annual dues were \$16,400, but Maine paid nothing. For the following year, the annual dues were \$17,300, but Maine paid nothing. For the year just ended, the annual dues were \$19,100, but Maine paid \$8,065.55, leaving a shortfall of \$11,034.45. The most recent invoice, which was dated April 2006, covers the year ending June 30, 2007 in the amount of \$19,700. By letter dated May 1, 2006, we were advised by Paul Chaken, one of our Maine commissioners, forecasting that NCCUSL will receive about \$11,000 in dues. I am doubtful that we will receive even that much since Maine is budgeting the same amount for the current fiscal year as it did for the last fiscal year.

In addition to correspondence concerning the foregoing, I am enclosing a single sheet which describes the status of Maine with regard to NCCUSL, a 4-page report detailing financial information on NCCUSL, a list of uniform and model acts enacted in Maine during the past century and a shorter list of uniform and model acts enacted in Maine during the past ten years. These materials, collectively, demonstrate the value that Maine is receiving from NCCUSL.

Maine is one of only a few states that are not paying their full dues on a timely basis and anything that you could suggest to rectify this problem will be deeply appreciated. I would be glad to travel to Maine to meet with any officials who would like to discuss this matter further. I look forward to hearing from you.

Sincerely,



Howard J. Swibel  
President

1086876\_1

**Summary of Payments Made by the Legislature  
to the National Conference of  
Commissioners on Uniform State Laws**

<b>FY</b>	<b>NCCUSL Dues Assessed</b>	<b>Dues Paid</b>	<b># of Members Attending</b>	<b>Members' Travel Expenses</b>	<b>Location of Meeting</b>	<b>Total Paid</b>
2002	\$14,190	\$14,190.00	2	\$6,053.54	White Sulphur Springs, WV	\$20,243.54
2003	\$15,700	\$15,700.00	1	\$2,666.28	Tucson, AZ	\$18,366.28
2004	\$16,400	\$0.00		\$0.00		\$0.00
2005	\$17,300	\$0.00	2	\$4,990.24	Portland, OR	\$4,990.24
2006	\$19,100	\$8,065.55	2	\$3,951.90	Pittsburgh, PN	\$12,017.45
2007	\$19,700	\$5,526.90 *	2	\$6,473.10	Hilton Head, SC	\$12,000.00

\*Estimated partial payment of annual NCCUSL dues from available FY07 funds.

Note: The Legislature appropriates \$12,000 per year to the National Conference of Commissioners on Uniform State Laws activities, directing payment to be made as follows: payment of expenses of commissioners attending the NCCUSL annual meeting and the balance, if any is remaining, toward payment of membership dues for Maine.

## Title 3, Chapter 11, COMMISSION ON UNIFORM STATE LAWS

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### 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. [1989, c. 503, Pt. B, §5 (amd).]

Each commissioner shall be compensated as provided in Title 5, chapter 379. [1983, c. 812, § 6 (amd).]

PL 1975, Ch. 771, §15 (AMD).

PL 1983, Ch. 812, §6 (AMD).

PL 1987, Ch. 501, §1 (AMD).

PL 1989, Ch. 503, §B5 (AMD).





# Uniform Law Commissioners

The National Conference of Commissioners on Uniform State Laws

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Introduction	Leadership and Staff	State Commissioners	Constitution and Procedures	NCCUSL Publications	FAQs

## Constitution and Bylaws

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## **STATEMENT OF POLICY ON CONFLICT OF INTEREST**

### **ARTICLE 1 NAME AND PURPOSE SECTION**

**1.1 NAME.** This organization shall be known as the “National Conference of Commissioners on Uniform State Laws.”

**1.2 PURPOSE.** It is the purpose of the Conference to promote uniformity in the law among the several States on subjects as to which uniformity is desirable and practicable.

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### **ARTICLE 2 MEMBERSHIP**

**SECTION 2.1 MEMBERS.** The Members of the Conference consist of Commissioners, Associate Members, Life Members, and Advisory Members.

**SECTION 2.2 COMMISSIONERS.** Commissioners are the Commissioners on Uniform State Laws appointed by authority of the several States of the United States of America, whose commissions authorize them to confer with Commissioners of other States. An individual holding such an appointment and commission from a State is a Commissioner even though also a Life Member. If in any State an appointing authority does not exist or fails to act, the President of the Conference may request the appointment of one or more Commissioners for that State by the president of the organization recognized as the organized bar of that State by the American Bar Association or, if there is more than one such organization, the integrated bar of that State. The term of a Commissioner appointed pursuant to the request may not exceed three years and is subject to earlier termination by the Executive Committee upon notice to the Commissioner and the appointing authority.

**SECTION 2.3 ASSOCIATE MEMBERS.** (a) The principal administrative officer of each state legislative reference bureau or other agency charged by law with the duty of drafting legislation at the request of the legislative or executive officers of the State, or an alternate named from within the bureau or agency by its principal administrative officer, is an Associate

Member of the Conference. (b) An Associate Member has the privilege of the floor and is eligible to serve on and to chair any committee, including the Committee of the Whole, with right to vote in committee, but an Associate Member is not eligible to be an Officer or to participate in a vote by States or in other votes of the Conference.

**SECTION 2.4 LIFE MEMBERS.** (a) Upon recommendation of the Executive Committee and by the affirmative vote of two-thirds of the Commissioners present and voting at the session at which the recommendation is considered, the Conference may elect: (1) as a Life Member, an individual who has served the Conference as: (i) President of the Conference; (ii) a Commissioner for at least 20 years; or (iii) a Commissioner and as an Associate Member, Executive Director, Executive Secretary, or Legislative Director, for a combined period of at least 20 years; or (2) as a Life Member, an individual who has served the Conference as a Commissioner and who resigned to serve as Executive Director and who has served for a combined period of at least 15 years; or (3) as an Honorary Life Member, an individual who without having served the Conference as a Commissioner has served the Conference with distinction as Executive Director, Executive Secretary, or Legislative Director. (b) A Life Member may participate in all activities of the Conference and is eligible for any Office or committee as fully as a Commissioner, but is not eligible for election as President and may not participate in votes by States or in other votes of the Conference, except while serving as a Commissioner under Section 2.2 or while so authorized under the law of the appointing State. (c) An Honorary Life Member has the privilege of the floor, and is eligible to serve as an advisory member of any Standing or Special Committee, but is not eligible to be an Officer or to vote.

**SECTION 2.5 REQUIREMENT OF BAR MEMBERSHIP.** Each Commissioner and Associate Member must be a member of the bar of a State.

**SECTION 2.6 CREDENTIALS.** Each Commissioner or Associate Member, upon first attending an annual meeting of the Conference and upon reappointment, shall file with the Secretary of the Conference the date of the relevant commission or appointment, a statement of the term or duration of the commission or appointment, and a reference to the legislative act or other authority pursuant to which the commission or appointment was made.

**SECTION 2.7 TERM.** (a) Unless otherwise determined by the Executive Committee, a Commissioner's membership in the Conference continues until adjournment of the annual meeting following the expiration or termination of the term for which the Commissioner was appointed. At that meeting, the Commissioner has the privileges of a Commissioner, but may not participate in a vote by States if a successor has been appointed. (b) If the term of a Commissioner who is President of the Conference expires or is terminated before the conclusion of the Commissioner's presidency, the Commissioner's membership continues until conclusion of the presidency, but the Commissioner may not participate in a vote by States unless authorized under the law of the appointing State.

**SECTION 2.8 TERMINATION OF MEMBERSHIP.** The Executive Committee may terminate the membership of a Commissioner or an Associate Member for any reason set forth in the Bylaws.

**SECTION 2.9 ADVISORY MEMBERS.** (a) The Executive Committee may appoint as

REC'D MAY 01

RUDMAN & WINCHELL  
Counselors at Law

Phillip D. Buckley  
Michael P. Friedman  
Winfred A. Stevens  
Robert E. Sutcliffe  
Paul W. Chaiken  
David C. King  
John W. McCarthy  
Frank T. McGuire  
Bruce C. Mallonee  
Paul H. Sighinolfi  
William H. Hanson  
George F. Eaton, II  
Edith A. Richardson  
Michael M. McAleer  
Edmond J. Beauror

Curtis E. Kimball  
Brent A. Singer  
Leigh McCarthy  
Anne-Marie L. Storey  
Anthony D. Pellegrini  
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Debra A. Reese  
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Timothy A. Pease  
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April A. Bentley  
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Gerald E. Rudman  
Paul L. Rudman  
Robert S. Lingley

Abraham M. Rudman  
(1894-1970)

Albert H. Winchell, Jr.  
(1924-1992)

May 1, 2006

Charles A. Trost, Treasurer  
National Conference of Commissioners  
On Uniform State Laws  
211 East Ontario Street, Suite 1300  
Chicago, IL 60611

Dear Charlie:

I wrote to the Legislative Council after receiving your April 3<sup>rd</sup> letter. I received a report, last Thursday, that the Appropriations Committee included \$12,000 in its budget for fiscal year 2007 for activities involving the National Conference of Commissioners on Uniform State Laws. As it did in fiscal year 2006 (which ends June 30, 2006), the Executive Director of the Legislative Council is instructed to first pay the vouchers for the attendance of Maine's Commissioners to the 2006 annual conference, and then remit any balance to NCCUSL as its payment for annual dues.

If last year's experience presents any guide, it appears the NCCUSL will be receiving a bit more than \$11,000 in dues.

I am sorry that it is not the full amount, but it certainly is an improvement over what happened in fiscal years 2004 and 2005.

Cordially,

  
PAUL W. CHAIKEN

PWC/dms

cc: Robert C. Robinson, Esq.  
Bruce A. Coggeshall, Esq.  
45197/42952/GW-Lit 59259

**RUDMAN & WINCHELL**  
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 Winfred A. Stevens  
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 Paul W. Chaiken  
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Of Counsel

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 Paul L. Rudman  
 Robert S. Lingley

Abraham M. Rudman  
 (1896-1970)

Albert H. Winchell, Jr.  
 (1924-1992)

April 17, 2006

David E. Boulter  
 Executive Director  
 Legislative Counsel  
 Maine State Legislature  
 115 State House Station  
 Augusta, ME 04333-0115

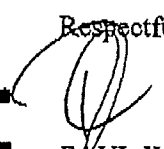
Re: National Conference of Commissioners on Uniform State Laws

Dear Mr. Boulter:

You might recall that I serve as one of the three Commissioners from Maine to the National Conference of Commissioners on Uniform State Laws. We had some correspondence in November regarding last year's expenses and dues. I have enclosed the April 2006 statement of annual dues from the Commission. This is for the fiscal year ending June 30, 2007.

If you could let me know whether any provision has been made for paying these dues, and for covering the expected expenses for the attendance of Maine's three Commissioners at this summer annual meeting, I would appreciate it. The meeting begins on July 7 and runs through July 14.

Respectfully,

  
 PAUL W. CHAIKEN

PWC/dms  
 Enclosure

cc: Robert C. Robinson, Esq.  
 Bruce A. Coggeshall, Esq.  
 Charles A. Trost, Treasurer, NCCUSL

45197/42952/GW-Lit 54117

**COPY**

# National Conference of Commissioners on Uniform State Laws

211 East Ontario Street, Suite 1300, Chicago, IL 60611 PH: 312/915-0195 FX: 312/915-0187 www.nccusl.org

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*Secretary*

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Richmond, VA 23219

CHARLES A. TROST

*Treasurer*

Nashville City Center

511 Union St., Suite 2100

Nashville, TN 37219

April 3, 2006

Paul Chaiken

PO Box 1401

84 Harlow St.

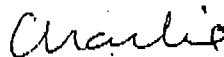
Bangor, ME 04402-1401

Dear Paul:

The National Conference of Commissioners on Uniform State Laws requests payment of the enclosed annual Dues Notice. Timely payment by the State of Maine is critical to support of the ongoing work of the Conference for the fiscal year ending June 30, 2007.

Your long standing support of the Conference is greatly appreciated, and we look forward to hearing from you soon.

Sincerely,



Charles A. Trost  
Treasurer

## EXECUTIVE COMMITTEE

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*Chair*

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District of Columbia Superior Court

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*Treasurer*

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*Immediate Past President*

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## UNIFORM LAW FOUNDATION

ROBERT A. STEIN

*Chair*

American Bar Association

321 N. Clark St.

Chicago, IL 60610

Enclosure

**National Conference of Commissioners on Uniform State Laws**

211 East Ontario Street, Suite 1300  
Chicago, Illinois 60611  
(312) 915-0195 Facsimile (312) 915-0187

***ANNUAL DUES NOTICE FOR THE***

**STATE OF MAINE**

April 2006

The Annual Dues allocation of the State of Maine toward expenses of the National Conference of Commissioners on Uniform State Laws for the fiscal year ending June 30, 2007, is as follows:

**Total Amount of Dues: \$19,700**

Thank you for the continued participation of the State of Maine.  
Please remit payment to:

National Conference of Commissioners on Uniform State Laws  
211 East Ontario Street, Suite 1300  
Chicago, IL 60611

DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE  
OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

November 9, 2005

Paul W. Chaiken  
Rudman & Winchell  
P.O. Box 1401  
Bangor, Maine 04402-1401

Re: National Conference of Commissioners on Uniform State Laws

Dear Mr. Chaiken:

Thank you for your letter of November 4, 2005 regarding annual dues for the NCCUSL. Please be advised that the Legislature appropriated, in Public Law 2005, Chapter 12, a total of \$12,000 in each of fiscal years 2005-06 and 2006-07 for the state Commission on Uniform State Laws. This level of funding was appropriated to cover the expenses of the three Maine commissioners to attend the annual conference and for payment of a portion of the annual dues to the National Conference of Commissioners on Uniform State Laws for both years.

As you noted, the travel vouchers for Commissioner Coggeshall and yourself have been processed. Those vouchers totaled \$3,934.45. As a result, there is an unexpended balance of \$8,065.55 available from the FY 06 appropriation to apply toward the annual dues for this fiscal year. While there is no additional funding available to meet your request for full payment of the annual dues in the amount of \$19,100 for the fiscal year ending June 30, 2006, this office will make payment of \$8,065.55 to NCCUSL toward the FY 06 annual dues.

If you have any questions, please feel free to speak with either Rose Breton or me at 287-1615.

Sincerely,

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

Attachment

cc: ~~Rose Breton~~

G:\Execdir-122nd\General\Chaiken, P-Comm on Uniform St Laws - 11-9-05.doc

115 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0115  
TELEPHONE 207-287-1615 FAX: 207-287-1621 E-MAIL: david.boulter@legislature.maine.gov



**National Conference of Commissioners on Uniform State Laws**  
**211 E. Ontario St., Suite 1300, Chicago, IL 60611 PH: 312/915-0195 FX: 312/915-0187 www.nccusl.org**

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**JOHN M. McCABE***Legislative Director/Legal Counsel*

Chicago Office  
 jmmccab@nccusl.org

**UNIFORM LAW FOUNDATION****ROBERT A. STEIN***Chair*

American Bar Association  
 750 N. Lake Shore Drive  
 Chicago, IL 60611

March 25, 2005

Robert C. Robinson, Esq.  
 PO Box 568  
 12 Portland Pier  
 Portland, ME 04112

Dear Bob:

The National Conference of Commissioners on Uniform State Laws requests payment of the enclosed annual Dues Notice. Timely payment by the State of Maine is critical to support of the ongoing work of the Conference for the fiscal year ending June 30, 2006.

Your long standing support of the Conference is greatly appreciated, and we look forward to hearing from you soon.

Sincerely,

Carl H. Lisman  
 Treasurer

Enclosure

**National Conference of Commissioners on Uniform State Laws**

211 East Ontario Street, Suite 1300  
Chicago, Illinois 60611  
(312) 915-0195 Facsimile (312) 915-0187

***ANNUAL DUES NOTICE FOR THE***

**STATE OF MAINE**

March 2005

The Annual Dues allocation of the State of Maine toward expenses of the National Conference of Commissioners on Uniform State Laws for the fiscal year ending June 30, 2006, is as follows:

**Total Amount of Dues: \$19,100**

Thank you for the continued participation of the State of Maine.  
Please remit payment to:

National Conference of Commissioners on Uniform State Laws  
211 East Ontario Street, Suite 1300  
Chicago, IL 60611

## 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 <sup>Maine</sup> ~~New Hampshire~~ Uniform Law Commissioners?**

Yes. Me. Rev. Stat. Ann. Tit. 11, § 241. *Title 3, § 241*

### **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 considered at this year's annual meeting in South Carolina?**

The following acts were approved at the Conference's 115<sup>th</sup> Annual Meeting in Hilton Head, South Carolina, 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.

**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 is \$19,700.

**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 ten people, located in Chicago. Included in that number are the Legislative Director/Legal Counsel, Deputy Legislative Director/Legal Counsel, Legislative Counsel, Chief Administrative Officer, and Communications Officer, who are the only executive staff. The Executive Director's position is part-time, and is traditionally occupied by someone from the law school community.

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.

LIST OF UNIFORM AND MODEL ACTS <sup>1</sup> ENACTED IN MAINE:

(As of 8-8-06)

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*
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*

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<sup>1</sup> The National Conference of Commissioners on Uniform State Laws drafted each of these uniform and model acts.



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*
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*

UNIFORM AND MODEL ACTS ENACTED IN MAINE  
DURING THE PAST TEN YEARS

Revised Uniform Partnership Act – 2006

Limited Partnership Act – 2006

Securities Act – 2005

Environmental Covenants Act – 2005

Trust Code – 2004

Amendments to Interstate Family Support Act – 2003

Principal and Income Act – 2002

Electronic Transactions Act – 2000

Uniform Commercial Code - Articles 5, 8, 9 – (1997, 1997, 2000)

Revised Unclaimed Property Act– 1997

Child Custody Jurisdiction Enforcement – 1997

DAVID E. BOULTER  
EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

**Memo**

To: Legislative Council Members  
From: *Dave*  
Dave Boulter, Executive Director  
Dated: September 21, 2006  
Re: Tentative FY 08/09 Budget

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Please find attached a tentative consolidated budget for the legislative accounts for FY 2008-2009. Rose Breton developed this tentative budget submission in consultation with the Secretary of the Senate, Clerk of the House, Legislative Council directors and the Director of OPEGA. As you may recall, Maine law requires that the Governor prepare a budget for State Government for the upcoming biennium and this submission fulfills the Legislature's obligation to submit its tentative budget request.

I want to emphasize that this tentative legislative budget reflects an estimate of what it will cost to operate the Legislative Branch over the next biennium. In accordance with law (copy attached), and following the Council's review, this office will forward this tentative legislative budget to the Bureau of the Budget in a consolidated budget format this month. No action by the Legislative Council is required at this time.

As you review this tentative budget, you will see that this budget reflects an overall increase over the current biennium. The vast majority of the increase is in Personal Services and is primarily due to the statutory COLAs on legislator salaries, the award of COLAs to employees during the past two years, 3% in fiscal year 2006 and another 3% in fiscal year 2007, as well as projected increases in health, dental and life insurances and Retirement System costs, all of which are externally driven. The increase in the proposed All Other budget is less than half of the most recent CPI.

The Legislative Council is authorized to review the tentative consolidated budget submission, revising, increasing or decreasing the items as it deems appropriate, and forward its changes and decisions to the Appropriations and Financial Affairs Committee at the appropriate time. In the past the incoming Legislative Council has formed a subcommittee of the council to conduct a detailed review of the tentative budget submission and make recommendations to the full Legislative Council for decision. During the last biennium, the (then) incoming Legislative Council formed a budget subcommittee that reviewed the budget and recommended a number of budget adjustments.

Rose and I will be happy to elaborate on any aspect of the tentative budget at the Legislative Council meeting.

Attachments

cc: Joy O'Brien, Secretary of the Senate  
Millicent MacFarland, Clerk of the House

## Title 3, Chapter 7, LEGISLATIVE COUNCIL

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### Chapter 7: LEGISLATIVE COUNCIL

#### Subchapter 1: GENERAL PROVISIONS

##### §161. Legislative Council

There is established a Legislative Council to consist of 10 members, 5 of whom shall be members of the Senate and 5 of whom shall be members of the House of Representatives. They shall be the President of the Senate, the Speaker of the House of Representatives, the Floor Leaders and Assistants of the 2 major parties. Membership on the Legislative Council shall be by virtue of holding the above offices, and shall be during the term of the Legislature in which such offices are held. The Legislative Council shall elect a chairman from within its own membership. [1973, c. 590, § 3 (rpr).]

The Legislative Council shall exercise such powers and duties as may be delegated by law or by rule of the Legislature. Any action by the Legislative Council shall require the affirmative votes of a majority of the members. [1973, c. 590, § 3 (rpr).]

The Legislative Council shall meet at least once monthly when the Legislature is not in session and at such other times as the membership or the chairman deems necessary. [1979, c. 127, § 5 (rpr).]

PL 1965, Ch. 425, §2-B (AMD).

PL 1973, Ch. 590, §3 (RPR).

PL 1979, Ch. 127, §5 (AMD).

##### §162. Authority

The Legislative Council shall have the authority: [1973, c. 590, §4 (rpr).]

1. **Legislative budgets.** To prepare and approve all legislative budgets; [1973, c. 590, §4 (rpr).]

→ 1-A. **Budget requests.** To authorize the Executive Director of the Legislative Council to prepare and submit a tentative consolidated legislative budget request and other budget requests necessary for the operation of the legislative branch and other additional information, as requested, directly to the State Budget Officer on or before September 1st of the even-numbered years prior to review by the Legislative Council. The Legislative Council shall review the tentative budget submission developed by the executive director, altering, revising, increasing or decreasing the items as may be determined necessary. Upon final approval of the full legislative budget request, the Legislative Council shall submit a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs outlining any differences from the tentative legislative budget submission; [1997, c. 24, Pt. FF, §1 (new).]

1-B. **Office of Program Evaluation and Government Accountability budget.** To present the budget request of the Office of Program Evaluation and Government Accountability to the State Budget Officer as provided in Title 5, section 1665. If the budget presented pursuant to subsection 1-A differs from the budget request submitted by the Office of Program Evaluation and Government Accountability pursuant to this subsection, the Legislative Council shall simultaneously submit a report to that office and to the State Budget Officer explaining why the Legislative Council's budget request differs from the budget request of the Office of Program Evaluation and Government Accountability. [2001, c. 702, §1 (new).]

2. **Legislative employee salary and benefit schedules.** To establish salary schedules for all employees of legislative agencies, departments and offices, except as otherwise provided by law, to develop relatively uniform salary schedules for House and Senate employees and officers and, notwithstanding any other provision of law, to establish benefit schedules for legislative employees. Every publication that states the salary of an employee or a position must also include a statement of the dollar value of the fringe benefit package provided; [1995, c. 37, §1 (amd).]

3. **Joint committees.** When the Legislature is not in session, to assign bills, resolves and studies for consideration by the joint

**PROPOSED TENTATIVE LEGISLATIVE BUDGET  
2008-2009 BIENNIUM  
OVERVIEW**

The tentative 2008-2009 budget for the Legislature has been prepared by the Executive Director's Office in consultation with the other offices of the Legislature. It is based on currently authorized positions and incorporates estimated increases in benefit costs as projected by the Budget Office. While automatic CPI growth assumptions have been eliminated in accordance with the Biennial Budget Instructions issued by the Bureau of the Budget and All Other budgets are to be flat funded based on FY 07 funding, this budget does reflect the costs of continuing existing levels of service and increases have been projected for All Other when appropriate. This budget does include sufficient funds to fully support the length of the legislative sessions to the number of weeks allowed by statute and four meetings during the interim for each policy committee. The Capital request will support routine replacement of computer-related equipment.

The proposed FY 08-09 Personal Services budget for the Law and Legislative Reference Library fully funds the Library's authorized positions and the All Other reflects continuing existing levels of service.

The proposed FY 08-09 Personal Services budget for the Office of Program Evaluation and Government Accountability fully funds OPEGA's authorized positions and the All Other reflects continuing existing levels of service.

g:\budget\2008-2009\Br0809.xls									
9/21/2006									
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. 5)	(col. 6)	(col. 4)	(col. 8)	(col. 9)	(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%

## 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. 5)	(col. 6)	(col. 4)	(col. 8)	(col. 9)	(col. 7)	(col. 8)	(col. 9)	(col. 10)
<b>Reserve Fund for State House Preservation and Maintenance</b>									
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%
<b>OPEGA</b>									
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
<b>Total OPEGA</b>	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%
<b>Law &amp; Legislative Reference Library</b>									
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
<b>Total Library</b>	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%