

MAINE STATE LEGISLATURE

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131ST MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Organizational Meeting

January 5, 2023

1:00 P.M.

AGENDA

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
	ELECTION OF OFFICERS FOR THE LEGISLATIVE COUNCIL OF THE 131ST LEGISLATURE	Election
1	ADOPTION OF LEGISLATIVE COUNCIL RULES OF PROCEDURE FOR 131ST LEGISLATURE <ul style="list-style-type: none">Proposed Rules of Procedure for Legislative Council	Decision
4	SUMMARY OF THE OCTOBER 27, 2022 MEETING OF THE LEGISLATIVE COUNCIL	Decision
	OLD BUSINESS None	
	NEW BUSINESS	
8	Item #1: Summary of Legislative Council Authority and Duties	Information
37	Item #2: Establishment of Salaries for Constitutional Officers	Decision
39	Item #3: Establishment of Salaries for Secretary of the Senate and Clerk of the House	Decision
40	Item #4: Legislative Council Policy on Processing Closely Related Legislator Bill Requests (Mr. Charbonneau)	Decision
43	Item #5: Legislative Council Policy on Legislator Attendance	Decision
45	Item #6: Legislative Council meeting schedule for 2023	Decision

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| 46 | Item #7: Proposed Document Service Fee Schedule for the 131 st Legislature, First Regular Session (Hon. Robert Hunt) | Decision |
| 48 | Item #8: Acceptance of the Annual Report of the Loring Development Authority of Maine | Acceptance |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT



**131st MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**MAINE LEGISLATIVE COUNCIL
131st LEGISLATURE**

RULES OF PROCEDURE

1. **Organizational Meeting:** The President shall call the biennial organizational meeting of the Legislative Council into session following the convening of the new Legislature and shall preside until the election of the chair of the Legislative Council.
2. **Chair:** At its organizational meeting, the Legislative Council shall elect a chair, who shall preside at all meetings of the council when he or she is present. The position of Legislative Council chair must alternate in succeeding biennial sessions between a member from the Senate and a member from the House of Representatives. Therefore, for the 131st Legislature, the chair must be a Senator.
3. **Vice Chair:** The Legislative Council shall elect a vice-chair who shall serve as chair in the absence of the chair. The vice-chair may not be a member of the same chamber of the Legislature as that of the chair.
4. **Quorum/Action:** The Legislative Council may conduct business only when a quorum of members is present, which consists of six (6) members. Any action of the council requires the affirmative votes of not less than 6 members.
5. **Meetings:** The meeting schedule for the Legislative Council is determined by the call of the chair for the 131st Legislature or by a majority vote of the council. The council shall meet on a regular schedule.
6. **Meeting Room and Location:** The official meeting location of the Legislative Council is the Legislative Council Chamber, Room 334, in the State House, and the chair shall convene all meetings there unless an alternative location is specified in the call of the meeting. Meetings of the Legislative Council or its committees take precedence over all other functions in the Legislative Council Chamber.

The Legislative Council Chamber may not be used for press conferences or other media events; however, the chair of the Legislative Council or the Executive Director, if

delegated by the chair, may authorize an exception when the chair determines that such use is appropriate and will not interfere with legislative activities.

7. **Meeting Notice:** The chair or designee shall issue written calls for all regular and special meetings of the Legislative Council. The call must give the date, time, and place of the meeting and such other information as the chair directs.
8. **Public Meetings:** All meetings of the Legislative Council are public meetings except for executive sessions; the council may not take any final action in an executive session.
9. **Council Committees:** The chair shall make all appointments to committees established by the Legislative Council. Each committee must include at least three council members and must have representation from each of the two major political parties. At a minimum, the council shall establish the committees of Personnel, State House Facilities and the Legislative Budget Subcommittee.
10. **Approval of Step Increases:** All step increases that require a vote of the Legislative Council during the 131st Legislature are approved for the term of this council if, after review, a majority of the Personnel Committee approves the step increases.
11. **Council Agenda and Records:** The Executive Director of the Legislative Council shall prepare, in consultation with the chair, meeting notices and a council agenda in advance of each meeting. The executive director shall also maintain an accurate, permanent public record of all meetings, proceedings and votes of the Legislative Council.
12. **Order of Business:** The regular order of business of the Legislative Council is:
 1. Call to Order
 2. Roll Call
 3. Summary of Previous Council Meeting
 4. Reports from the Executive Director and Staff Office Directors
 5. Reports from Council Committees
 6. Old Business
 7. New Business
 8. Announcements and Remarks
 9. Adjournment

Items not on the Legislative Council's agenda may be considered only by leave of the council's presiding officer or by a majority vote of the Legislative Council.

13. **Circulation of Ballots:** The chair and the vice-chair, jointly, may authorize a ballot to be circulated for Legislative Council action when they determine that the matter to be voted on must be decided before the next regular meeting of the council. The executive director shall prepare all ballots authorized for circulation among council members and shall certify votes taken by ballot. Each member of the Legislative Council must be presented with the ballot and given an opportunity to vote on the ballot. If a member is unable to vote on a ballot by virtue of the member's absence from the State House, the member may authorize the Executive Director to record and attest to the member's vote. Voting may

also take place electronically via email through the Executive Director or designee. Upon certification of the votes on a ballot, the executive director will report the results of the voting to the members of the Legislative Council. In addition, actions taken by Legislative Council ballot must be reported at the next or following regular meeting of the council.

14. **Voting:** Votes requiring a roll-call shall be made by the executive director calling the roll, a showing of hands or by electronic tabulation as long as the matter being voted on, how each member voted and the results of the vote are accurately determined and recorded. The executive director shall announce the vote following a roll-call. All decisions of the Legislative Council regarding the introduction of bills or other measures must be by a roll-call vote. A member who is not physically present at the meeting but who received permission from the chair to participate by electronic means may vote as long as the member votes in a manner that provides opportunity for those physically present at the meeting to see and hear how that member voted.

15. **Statements to News Organizations:** Only the chair of the Legislative Council, executive director or persons specifically authorized by the chair may make official statements to news organizations or to the public on behalf of or representing the Legislative Council.

16. **Rules of Order:** The Legislative Council's presiding officer shall conduct the proceedings of the council in accordance with Robert's Rules of Order except as otherwise specified in the council's own rules or by law.

17. **Amendments to Rules:** The Legislative Council may amend these rules, with the exception of Rules 2 and 4, upon a two-thirds vote of the Council members present and voting, provided that a vote to amend is by at least six affirmative votes. Rules 2 and 4 may not be amended during the term of the 130th Legislative Council unless otherwise changed by law.

18. **Decisions Affecting Capitol Park:** Any action affecting Capitol Park, be it a temporary or permanent alteration or change in use, must be approved by a majority of the Council, consistent with these rules and the Maine Revised Statutes, Title 3 §162(17). Prior to a final decision on any proposal affecting Capitol Park, the Council or its executive director shall consult with the State House and Capitol Park Commission.

Adopted by the Legislative Council of the 131st Maine Legislature on January 5, 2023 at Augusta, Maine.

By: _____
Suzanne M. Gresser, Executive Director of the Legislative Council

REP. RYAN M. FECTEAU
CHAIR

SEN. TROY D. JACKSON
VICE- CHAIR

EXECUTIVE DIRECTOR
SUZANNE M. GRESSER



130TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. ELOISE A. VITELLI
SEN. MATTHEA DAUGHTRY
SEN. JEFFREY L. TIMBERLAKE
SEN. MATTHEW POULIOT
REP. MICHELLE DUNPHY
REP. RACHEL TALBOT ROSS
REP. KATHLEEN R.J. DILLINGHAM
REP. JOEL STETKIS

**LEGISLATIVE COUNCIL
MEETING SUMMARY
October 27, 2022**

CALL TO ORDER

Speaker Fecteau called the October 27, 2022 meeting of the 130th Legislative Council to order at 2:14 p.m.

ROLL CALL

Senators: President Jackson, Senator Vitelli; Senator Daughtry, and Senator Pouliot

Representatives: Speaker Fecteau, Representative Dunphy, Representative Talbot Ross, and Representative Dillingham

Absent: Senator Timberlake and Representative Stetkis

Legislative Officers: Suzanne Gresser, Executive Director
Christopher Nolan, Director, Office of Fiscal and Program Review
Danielle Fox, Director, Office of Policy and Legal Analysis
Edward Charbonneau, Revisor of Statutes

Speaker Fecteau convened the meeting at 2:14 p.m. with a quorum of members present.

SUMMARIES OF THE APRIL 21, 2022 AND SEPTEMBER 22, 2022 MEETINGS OF THE LEGISLATIVE COUNCIL

Motion: That the Meeting Summaries for the April 21, 2022 and September 22, 2022 meetings be accepted and place on file. Motion by Rep. Talbot Ross, Second by Senator Daughtry. **Motion passed unanimously (8-0-0-2**, with Senator Timberlake, and Representative Stetkis absent).

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Fiscal Report

Christopher Nolan, Director of the Office of Fiscal and Program Review, presented the fiscal report found in the agenda packet.

Studies Report

Danielle Fox, Director, Office of Policy and Legal Analysis, presented the studies report found in the agenda packet.

REPORTS FROM COUNCIL COMMITTEES

None

OLD BUSINESS

Item #1: Council Actions Taken by Ballot

Legislative Council Decisions:

Motion: That the Legislative Council authorizes the extension of the reporting deadline of the Commission To Develop a Paid Family and Medical Leave Benefits Program to December 6, 2022, in accordance with Joint Rule 353(7).

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson
Date: October 6, 2022
Vote: 7-1-0-2 Passed (with Representative Stetkis opposed and Senator Pouliot and Representatives Dillingham recorded as absent)

Motion: That the Legislative Council authorizes the Commission to Examine Reestablishing Parole to hold two additional meetings.

Motion by: Speaker Ryan Fecteau Second: President Troy Jackson
Date: October 19, 2022
Vote: 6-1-0-3 Passed (with Representative Stetkis opposed and President Jackson, Senator Timberlake and Representative Dillingham recorded as absent)

NEW BUSINESS

Item #1: Recommendation from the Legislative Council Subcommittee on the Racial Impact Statement Process Pilot

Speaker Fecteau summarized the recommendations of the Legislative Council Subcommittee on the Racial Impact Statement Process Pilot, which were included in agenda packet. Speaker Fecteau reported that the feedback of the Joint Standing Committees that participated in the Pilot, the analyses often came too late in the process, and the analyses did not necessarily address the committees' questions.

Motion: That, in accordance with Public Law 2021, c. 21, §2, sub§3, based on information gathered through conducting the Racial Impact Statement Process Pilot Project during the 130th Legislature and the reports of the joint standing committees that participated in the pilot project, the Legislative Council of the 130th Legislature respectfully recommends to the Legislative Council of

the 131st Legislature that it continue the Racial Impact Statement Pilot Project during the course of the 131st Legislature, and that it incorporate into the Pilot Project the following specified elements:

1. That, early in the First Regular Session of the 131st Legislature, joint standing committees identify those bills for which the committee, prior to beginning work on the bills, requests preparation of a Racial Impact Statement (“RIS”) over the course of the interim;
2. That each joint standing committee that votes to request an RIS for a bill or bills transmit to the Presiding Officers the RIS request(s) in a manner to be prescribed by the Presiding Officers;
3. That a bill for which an RIS request has been approved by the Presiding Officers not be scheduled for hearings or work sessions until the RIS is completed, and be included in the Carry-Over Order passed at the end of the First Regular Session;
4. That the Executive Director identify savings in the legislative accounts for the Legislature to contract with research organizations to perform the analysis necessary to prepare the RIS for the identified and approved bills;
5. That in order to prepare RIS, research organizations with whom the Legislature contracts perform qualitative analysis by, among other methods, engaging with and eliciting input from impacted communities; and
6. That researchers performing the qualitative and quantitative analysis be authorized and encouraged to engage and communicate together and with legislators to identify and refine those avenues of inquiry that will provide information most relevant to the needs of the Legislature; and

Further, that the Legislative Council of the 130th Legislature respectfully recommends to the Legislative Council of the 131st Legislature that it support the introduction of legislation in the Second Regular Session of the 131st Legislature to clarify the Racial Impact Statement Process.

Motion by Representative Talbot Ross. Second by Senator Vitelli. **Motion passed unanimously (8-0-0-2, with Senator Timberlake and Representative Stetkis absent).**

Item #2: Request from the Commission to Study the Role of Water as a Resource in the State of Maine

Speaker Fecteau reviewed the request from the Commission to Study the Role of Water as a Resource in the State of Maine to hold one additional meeting, and to extend the reporting deadline.

Motion: That the Legislative Council grant the request from the Commission to Study the Role of Water as a Resource in the State of Maine to hold one additional meeting and to extend its reporting deadline to December 7, 2022, in accordance with Joint Rule 353. Motion by Representative Dunphy. Second by President Jackson. **Motion passed (7-1-0-2, with Representative Dillingham opposed, and Senator Timberlake and Representative Stetkis absent).**

Item #3: Request from the Commission to Ensure Constitutionally Adequate Contact with Counsel

Speaker Fecteau reviewed the request from the Commission to Ensure Constitutionally Adequate Contact with Counsel to hold one additional meeting.

Motion: That the Legislative Council grant the request from the Commission to Ensure Constitutionally Adequate Contact with Counsel to hold one additional meeting. Motion by Senator Daughtry. Second by President Jackson. **Motion passed (8-0-0-2,** with Senator Timberlake and Representative Stetkis absent).

Item #4: Request from the Commission to Study Court-ordered Treatment for Substance Use Disorder

Speaker Fecteau reviewed the request from the Commission to Study Court-ordered Treatment for Substance Use Disorder to extend its reporting deadline to December 7, 2022.

Motion: That the Legislative Council grant the request from the Commission to to Study Court-ordered Treatment for Substance Use Disorder to extend its reporting deadline to December 7, 2022, in accordance with Joint Rule 353. Motion by Representative Talbot Ross. Second by President Jackson. **Motion passed (8-0-0-2,** with Senator Timberlake and Representative Stetkis absent).

Item #5. Information regarding the Policy Leaders Academy from the Maine Development Foundation

Speaker Fecteau drew members' attention to the informational memorandum provided by the Maine Development Foundation describing the Policy Leaders Academy Program and offerings for December 2022 and January 2023.

ANNOUNCEMENTS AND REMARKS

Recognizing that today's meeting was likely the final meeting of the 130th Legislative Council, Speaker Fecteau, expressed his thanks to his colleagues on the Council for their respect, patience, collaboration, and willingness to work together on the challenges presented during the 130th Legislature. With no other business to consider or further announcements, the Legislative Council meeting was adjourned at 2:41 p.m.

Title 3, Chapter 7: LEGISLATIVE COUNCIL

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CHAPTER 7
LEGISLATIVE COUNCIL
SUBCHAPTER 1
GENERAL PROVISIONS

§161. Legislative Council

1. Establishment; membership. The Legislative Council, consisting of 10 members, 5 of whom are members of the Senate and 5 of whom are members of the House of Representatives, is established. The members of the Legislative Council are:

- A. The President of the Senate; [PL 2015, c. 102, §1 (NEW).]
- B. The Speaker of the House of Representatives; and [PL 2015, c. 102, §1 (NEW).]
- C. The majority and minority leaders and assistant leaders of the 2 political parties with the greatest number of members in each body. [PL 2015, c. 102, §1 (NEW).]

Only a person who holds an office specified in paragraph A, B or C may be a member of the Legislative Council and is a member only during the term of the Legislature in which that office is held. The Legislative Council shall elect a chair from within its own membership.

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 requires the affirmative votes of a majority of the members.

The Legislative Council shall meet at least once monthly when the Legislature is not in session, unless the chair determines that a meeting is not necessary, and at such other times as the membership or the chair determines necessary.

[PL 2015, c. 102, §1 (NEW).]

SECTION HISTORY

PL 1965, c. 425, §§2-B (AMD). PL 1973, c. 590, §3 (RPR). PL 1979, c. 127, §5 (AMD). PL 2015, c. 102, §1 (RPR).

§162. Authority

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

1. Legislative budgets. To prepare and approve all legislative budgets; [PL 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;

[PL 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. [PL 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; [PL 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 standing committees and joint select committees of the Legislature, to request reports, studies and legislation from said joint standing committees and to convene meetings of said joint standing committees and joint select committees and to exercise supervision over them; [PL 1973, c. 590, §4 (RPR).]

4. Oaths, subpoenas and depositions. To administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, it is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify in that court. Each witness, other than a state officer or employee, is entitled to receive for that witness's attendance the fees and mileage provided for witnesses in civil cases in courts of record, which must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chair of the council; [PL 2019, c. 475, §18 (AMD).]

5. Legislative improvements. To assess ways and means to improve the legislative operation and to make improvements in the legislative organization, procedures, facilities and working conditions, and to make periodic reports to the Legislature concerning its findings. Changes in the organization of the legislative staff offices shall require the approval of two-thirds of the membership of the Legislative Council before they may take effect; [PL 1985, c. 501, Pt. B, §1 (AMD).]

6. Appointment of directors and office directors. By a vote of no fewer than 8 members present at a public meeting of the Legislative Council, to appoint an Executive Director of the Legislative Council, a State Law Librarian and such other office directors as the council considers necessary. Each director must be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of the office. The Executive Director, the State Law Librarian and the office directors appointed pursuant to this subsection serve at the pleasure of the Legislative Council and may be removed from office only by a vote of no fewer than 8 members present at a public meeting of the Legislative Council; [PL 2015, c. 102, §2 (AMD).]

6-A. Transition.

[PL 2015, c. 102, §3 (RP).]

7. Legislative agency operating policy. To establish operating policies for each legislative agency and office;

[PL 1973, c. 590, §4 (RPR).]

8. Oversight of legislative appropriations and accounts. To oversee the appropriations and other financial accounts, including position control, of the Legislature and of all legislative agencies, departments and offices and to comply with provisions of Title 5, Part 4 determined by the Legislative Council as relevant and applicable to the legislative branch and necessary for maintaining proper accounting controls and reporting. Appropriations for carrying out the purposes of this chapter must be made annually by the Legislature. All appropriations or allocations by the Legislature, including appropriations or allocations for specific studies to be carried out by the joint standing committees or joint select committees, may not lapse but must be carried forward and expended for the purpose for which the appropriation or allocation was made. The balance of any appropriation or allocation for such studies that is not fully expended must be refunded to the Legislature;

[PL 2005, c. 12, Pt. LL, §1 (AMD).]

8-A. Sale of publications. If the Legislative Council determines it advisable for the effective dissemination of statutory information or other information of general interest to the public, to fix the price, sell and deliver publications and materials produced by legislative agencies;

[PL 1991, c. 1 (NEW).]

9.

[PL 1975, c. 770, §4 (RP).]

10. Intergovernmental, interstate and interlegislative organizations. To coordinate and oversee intergovernmental relations programs on behalf of the Legislature, and to recommend to the Legislature participation by the Legislature and its members in interstate and inter-legislative organizations; and to apply for, receive and administer all grants and appropriations for these purposes;

[PL 1973, c. 590, §4 (RPR).]

11. Legislative equipment and supplies. To provide necessary furniture, stationery and other supplies and equipment for the use of the members, committees, agencies and offices of the Legislature;

[PL 1973, c. 590, §4 (RPR).]

12. Physical facilities for Legislature. To ensure that adequate physical facilities are provided for the efficient operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the State House and, notwithstanding Title 5, section 1742, subsection 18, to control and assign the use of all rooms in the State House, except the immediate offices occupied by the Governor and the Governor's staff in the west wing of the State House. The Legislative Council shall ensure that the Governor and the Governor's staff occupy sufficient and appropriate office space within the State House.

The Legislative Council has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the physical facilities assigned to the Legislature, as long as the work to be performed is consistent with the official plan for the preservation and development of the aesthetic and historical integrity of the State House as described in section 902, subsection 1;

[PL 1997, c. 671, §1 (AMD).]

12-A. Reserve Fund for State House Preservation and Maintenance. To administer the Reserve Fund for State House Preservation and Maintenance, established and maintained as provided in this subsection. The State Controller at the close of each fiscal year and at the request of the Legislative Council shall transfer from unexpended balances of General Fund appropriations to the Legislature to the Reserve Fund for State House Preservation and Maintenance available amounts up

to \$250,000 a year until a maximum of \$1,500,000 is achieved. The State Controller is further authorized to transfer from the Reserve Fund for State House Preservation and Maintenance to the Blaine House Renovations and Repairs Fund the amounts recommended by the Legislative Council. The Reserve Fund for State House Preservation and Maintenance may also receive and accept allocations, appropriations, grants and contributions of money to be held, used or applied to carry out this subsection, subject to the conditions upon which these allocations, appropriations, grants and contributions are made. Expenditures from the Reserve Fund for State House Preservation and Maintenance are subject to legislative allocation, may be made only for major repairs and renovations to the State House, must be reviewed and recommended by the State House and Capitol Park Commission and must receive a majority vote of the Legislative Council. Funds allocated or appropriated to the Reserve Fund for State House Preservation and Maintenance may not lapse but must be carried forward;

[PL 2001, c. 358, Pt. E, §1 (AMD).]

13. Transfers within the legislative appropriation. To approve any transfers within the legislative appropriation;

[PL 1975, c. 770, §5 (RPR).]

14. Council procedures. To establish published rules of procedure for the conduct of the business of the council;

[PL 1973, c. 590, §4 (RPR).]

15. Other duties and responsibilities. To perform such other duties and responsibilities as may be assigned to the council from time to time by the 2 Houses;

[PL 1989, c. 410, §2 (AMD).]

16. Funds from State, Federal Government and private sources. To accept, use, expend and dispose on behalf of the State funds, equipment, supplies and materials from any agency of the United States, from any private foundation and from any other private source;

[PL 1991, c. 622, Pt. L, §1 (AMD).]

16-A. Intellectual property. To use, manage or administer on behalf of the Legislature any copyright held by the Legislature or license to use copyrighted materials and to manage the copying, use and dissemination of copies of copyrighted materials in which the Legislature holds the copyright or a license;

[PL 1999, c. 1, §2 (NEW).]

17. Approve plans to preserve and develop the State House and the immediate grounds. To approve architectural, aesthetic and decorative alterations to the State House. The Legislative Council also has authority to preserve and develop the aesthetic and historical integrity of the State House and the immediate grounds. The exercise of this authority with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as revised by the Pressley firm in 1990. The Legislative Council has the power to enter into contracts and other powers necessary to implement this subsection and chapter 31;

[PL 2001, c. 468, §1 (AMD).]

18. Out-of-state travel report. To submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Legislature. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; and

[PL 1997, c. 43, §2 (AMD).]

19. Legislative information available through the Internet. To make the following information available through the Internet: legislative documents, committee hearing schedules, work session schedules, status of legislation, voting records of Legislators, the laws of Maine, study reports and

reports of other study groups established by the Legislature and any other information designated by the Legislative Council.

[PL 1997, c. 43, §3 (NEW).]

SECTION HISTORY

P&SL 1973, c. 220, §3 (AMD). PL 1973, c. 590, §4 (RPR). PL 1975, c. 657 (AMD). PL 1975, c. 770, §§3-5 (AMD). PL 1979, c. 541, §§A7,A8 (AMD). PL 1981, c. 702, §R (AMD). PL 1983, c. 2, §1 (AMD). PL 1983, c. 584 (AMD). PL 1983, c. 824, §V (AMD). PL 1985, c. 501, §§B1-3 (AMD). PL 1989, c. 410, §§1-4 (AMD). PL 1991, c. 1 (AMD). PL 1991, c. 622, §§L1-3 (AMD). PL 1993, c. 415, §J1 (AMD). PL 1995, c. 37, §1 (AMD). RR 1997, c. 2, §4 (COR). PL 1997, c. 24, §§FF1,2 (AMD). PL 1997, c. 43, §§1-3 (AMD). PL 1997, c. 671, §1 (AMD). PL 1999, c. 1, §2 (AMD). PL 2001, c. 358, §E1 (AMD). PL 2001, c. 468, §1 (AMD). PL 2001, c. 702, §1 (AMD). PL 2005, c. 12, §LL1 (AMD). PL 2015, c. 102, §§2, 3 (AMD). PL 2019, c. 475, §18 (AMD).

§162-A. Salaries subject to adjustment by Legislative Council

Notwithstanding any other provisions of law, the salaries of the following legislative officials are at the salary ranges indicated in this section. Except as provided below, at the time of initial appointment the salary of each of these officials may be set at Step A or Step B, but no higher than Step B, of their respective ranges, except that any employees of the office of the Secretary of the Senate or the office of the Clerk of the House of Representatives at the time of initial appointment must have their salary set at a step within their respective salary range so that no loss of gross pay is experienced by those employees. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [PL 1993, c. 6, Pt. J, §1 (AMD).]

The salary ranges shall be those established by the Legislative Council for legislative staff. No other state salary may be paid to these officials. [PL 1987, c. 349, Pt. K, §1 (NEW).]

1. Range 14. The salaries of the following state officials and employees shall be within salary range 14:

Secretary of the Senate; and

Clerk of the House of Representatives.

[PL 1987, c. 349, Pt. K, §1 (RPR).]

2. Range 9.

[PL 1993, c. 707, Pt. FF, §1 (RP).]

3. Range 86.

[PL 1983, c. 862, §4 (RP).]

4. Range 88.

[PL 1983, c. 862, §4 (RP).]

5. Range 89.

[PL 1983, c. 862, §4 (RP).]

SECTION HISTORY

PL 1981, c. 702, §X11 (NEW). PL 1983, c. 853, §A§3-5 (AMD). PL 1983, c. 862, §§2-4 (AMD). PL 1987, c. 349, §K1 (RPR). PL 1987, c. 769, §A2 (AMD). PL 1993, c. 6, §J1 (AMD). PL 1993, c. 707, §FF1 (AMD).

§162-B. Salaries of constitutional officers

Notwithstanding any other provisions of law, the salaries of the following state officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of the Secretary

of State and the Treasurer of State shall be set at the Step C of the official's respective range. At the time of initial appointment, the salaries of the Attorney General and the State Auditor shall be set at Step E of their salary ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office. [PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

The salary ranges shall be as provided by law for confidential employees who take the salary increase option instead of state payment of retirement contribution. No other state salary may be paid. These officials are not eligible for state payment of employee retirement contributions. [PL 1983, c. 862, §§5, 6 (NEW).]

1. Range 88. The salary of the following state officials and employees shall be within salary range 88, but shall not be less than Step C in that range:

A. Secretary of State; and [PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

B. Treasurer of State. [PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]
[PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

2. Range 89. The salary of the State Auditor shall be within salary range 89, but shall not be less than Step E in that range.

[PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

3. Range 91. The salary of the Attorney General shall be within salary range 91, but shall not be less than Step E in that range.

[PL 1989, c. 501, Pt. O, §§7,22 (AMD); PL 1989, c. 596, Pt. C, §8 (AMD); PL 1989, c. 600, Pt. B, §§9, 10 (AMD); PL 1989, c. 878, Pt. D, §§14, 15 (AMD).]

SECTION HISTORY

PL 1983, c. 862, §§5,6 (NEW). PL 1989, c. 501, §§07,22 (AMD). PL 1989, c. 596, §C8 (AMD). PL 1991, c. 824, §§B13,14 (AFF).

§163. Executive Director of the Legislative Council; duties

The duties of the Executive Director of the Legislative Council are: [PL 2003, c. 673, Pt. QQQ, §1 (AMD).]

1. Executive officers. To act as executive officer of the Legislature when it is not in session and unless the Legislature otherwise orders, the Executive Director shall, with the cooperation of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary services, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature and permit state departments to use legislative property. The Executive Director may sell, in accordance with procedures established by the Legislative Council, unneeded legislative equipment and materials and, with the approval of the President of the Senate and the Speaker of the House of Representatives, dispose of obsolete or unusable equipment and materials through the Bureau of General Services' surplus property program. Proceeds from the sale of unneeded equipment and materials must be credited to the legislative account. The Executive Director has the authority to enter into contracts authorized by the Legislative Council and shall approve accounts and vouchers for payment. A perpetual inventory of

all legislative property must be maintained under the supervision of the Legislative Council and an accounting of the inventory must be made to the Legislature upon its request.

[PL 2003, c. 673, Pt. QQQ, §2 (AMD).]

2. Supervision. To coordinate, direct and oversee, subject to the control of the Legislative Council, the activities of the nonpartisan legislative staff offices and to direct and supervise the administrative functions of legislative staff offices in accordance with the policies and procedures established by the Legislative Council. The Executive Director does not have any supervisory authority with respect to any persons employed pursuant to chapter 1 or section 168;

[PL 2015, c. 102, §4 (AMD).]

2-A. Appointment of nonpartisan legislative staff. To appoint, upon recommendation of the appropriate office director and subject to the approval of the Legislative Council and in accordance with the policies and procedures established by the council, qualified persons to nonpartisan legislative staff positions based solely on their ability to perform their duties and without regard to party affiliation. The general duties and compensation of these positions must be established under the direction of the council and in accordance with organizational and performance objectives established by the council. These nonpartisan legislative staff positions are unclassified and not subject to the civil service law.

[PL 2015, c. 102, §5 (AMD).]

3. Vehicle for requests. To act as a vehicle through which the several agencies, departments and offices of the Legislature may report to the council their budget requests, personnel and supply requirements and to assist the council in the orderly disposition of these requests.

[PL 1973, c. 590, §5 (RPR).]

4. Policy implementation. To be responsible for implementing policy resulting from decisions of the council.

[PL 1973, c. 590, §5 (RPR).]

5. Reports. To prepare such reports as are required of the council and maintain minutes of the regular meetings of the council.

[PL 1983, c. 590, §5 (RPR).]

6. Staff assistants.

[PL 1983, c. 2, §3 (RP).]

7. Other duties. To undertake such other duties as are assigned by the council.

[PL 1973, c. 590, §5 (RPR).]

SECTION HISTORY

PL 1965, c. 341, §§1,2 (AMD). PL 1965, c. 412, §4 (AMD). PL 1965, c. 425, §§2-D (AMD). PL 1965, c. 465 (AMD). PL 1967, c. 357 (AMD). PL 1967, c. 476, §§1,2 (AMD). PL 1969, c. 8, §2 (AMD). PL 1969, c. 504, §§2,3 (AMD). PL 1969, c. 527 (AMD). PL 1971, c. 298 (AMD). PL 1973, c. 14, §3 (AMD). PL 1973, c. 590, §5 (RPR). PL 1973, c. 625, §7 (AMD). PL 1973, c. 788, §3 (AMD). PL 1983, c. 2, §§2,3 (AMD). PL 1985, c. 501, §B4 (AMD). PL 1985, c. 785, §B4 (AMD). PL 1989, c. 410, §5 (AMD). PL 2003, c. 673, §§QQQ1,2 (AMD). PL 2015, c. 102, §§4, 5 (AMD).

§163-A. Nonpartisan legislative staff services

Nonpartisan legislative staff shall provide the following services under the direction of the Executive Director: [PL 2015, c. 102, §6 (AMD).]

1. Bill drafting. To furnish to the members of the Legislature the assistance of expert drafters qualified to aid the Legislature in the preparation of bills for introduction into the Legislature;

[PL 2015, c. 102, §6 (AMD).]

2. Revision. Upon request, to assist any agency appointed to revise the statutes of the State or any portion of the statutes and, at the direction of such agency, to consolidate, revise and clarify the statutes of the State;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

2-A. Engrossing. To engross all bills passed by the Legislature;

[PL 1987, c. 816, Pt. KK, §2 (NEW).]

3. Session laws. To prepare and index for printing as promptly as possible, after the adjournment of each session, the session laws, which compilation includes all Acts and resolves that the Legislature has adopted during the session and that have received the approval of the Governor, when such approval is necessary, and any other material of a general nature that the Executive Director may determine;

[PL 2015, c. 102, §6 (AMD).]

4. Copy of public laws. After each session of the Legislature, to cause the public laws enacted at that session to be printed on good paper and in suitable type and to distribute the same within the State to all citizens making a request for those laws;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

5. Pocket supplements. After each session of the Legislature, to cause to be published cumulative pocket supplements of the volumes of the Revised Statutes, and any replacement or recompiled volumes, which must contain an accurate transcription of all public laws, the material contained in the next preceding pocket supplement, complete and accurate annotations to the statutes, appendix and other material accumulated since the publication of the next preceding pocket supplement and a cumulative index of that material;

[PL 2015, c. 102, §6 (AMD).]

6. Continuing revision.

[PL 2015, c. 102, §6 (RP).]

7. Committee assistance. To provide research, analysis and bill drafting assistance for joint standing or select committees, including, but not limited to, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and other legislative agencies;

[PL 2015, c. 102, §6 (AMD).]

8. Reports and legislation. To prepare narrative reports on matters referred to joint standing committees for review or study and prepare legislation to be introduced pursuant to those reports;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

9. Research services. To provide a comprehensive research service for Legislators, legislative joint standing or select committees and commissions and the Legislative Council;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

10. Collection of fiscal information. To collect and assemble factual information concerning the fiscal affairs of the State for the use of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs in formulating its proposals for appropriations and to collect and assemble fiscal information concerning other revenue funds for the use of any joint standing committee in formulating proposals for allocation acts;

[PL 2015, c. 102, §6 (AMD).]

11. Appropriation requests. To examine all requests for appropriations made by the various agencies of State Government and attend any hearings necessary to obtain complete information;

[PL 1985, c. 501, Pt. B, §5 (NEW).]

12. Statement of cost. To prepare statements pertaining to the existence of cost or the amount of cost to municipalities or counties for implementing or complying with a proposed law. The statement of cost is made within the limits of information provided to the office designated by the Legislative

Council as having responsibility for financial analysis. The statements must be furnished to the appropriate committee for the information of its members and for inclusion in bills that receive an ought to pass report when reported by the committee. A statement is not necessary for any bill that has no cost to municipalities or counties; and
[PL 2015, c. 102, §6 (AMD).]

13. Other duties. To undertake such other duties as are assigned by the Executive Director.
[PL 1985, c. 501, Pt. B, §5 (NEW).]

SECTION HISTORY

PL 1985, c. 501, §B5 (NEW). PL 1987, c. 816, §KK2 (AMD). PL 2015, c. 102, §6 (AMD).

§164. Director of Legislative Research; functions and duties

(REPEALED)

SECTION HISTORY

PL 1969, c. 8, §1 (AMD). PL 1971, c. 480, §4 (AMD). PL 1973, c. 46 (AMD). P&SL 1973, c. 220, §4 (AMD). PL 1973, c. 590, §§6,7 (AMD). PL 1973, c. 788, §4 (AMD). PL 1979, c. 396, §7 (AMD). PL 1983, c. 2, §4 (AMD). PL 1985, c. 501, §B6 (RP).

§165. Joint committees, authority

The Legislature may by rule establish such joint standing committees and joint select committees as it deems necessary. Such committees shall have the authority, both when the Legislature is in session and when it is not in session: [PL 1973, c. 590, §8 (NEW).]

1. Collect information. To collect information concerning the government and general welfare of the State as related to assignments received from the council;
[PL 1973, c. 590, §8 (NEW).]

2. Information and reports provided. To assist the Legislature in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which are assigned by the Legislative Council which information may be obtained by independent studies or by cooperation with and information from similar agencies in other states as to the practice of other states in dealing with similar problems;
[PL 1973, c. 590, §8 (NEW).]

3. Quorum. A majority of the members of a committee shall constitute a quorum, and a majority thereof shall have the authority to act in any matter falling within the jurisdiction of the committee. A committee may hold either public or private hearings and may hold executive sessions, excluding all except members of the committee;
[PL 1973, c. 590, §8 (NEW).]

4. State department to furnish information. Each state department shall furnish to a committee such documents, material or information as may be requested by a committee;
[PL 1973, c. 590, §8 (NEW).]

5. Minutes. A committee shall keep minutes of matters considered and votes taken at its meetings and shall make reports to the Legislature on all matters which come before the committee, the actions taken thereon and the progress made in relation thereto;
[PL 1973, c. 590, §8 (NEW).]

6. Reports to Legislature and public. Reports of a committee may be made from time to time to members of the Legislature and to the public;
[PL 1973, c. 590, §8 (NEW).]

7. Other subpoenas, etc. When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. When the Legislature grants this power to a joint standing committee or joint select committee, such committee functions as an investigating committee and is subject to the provisions of chapter 21. No appropriation or allocation may be made for a specific study unless the Legislative Council has first approved a budget adopted by the joint standing committee that is to conduct the study. No appropriation or allocation may be made for the operation of any joint select committee unless the Legislative Council has first approved a budget adopted by the joint select committee. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, it is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify in that court. Each witness, other than a state officer or employee, who appears before a committee by its order or subpoena is entitled to receive for that witness's attendance the fees and mileage provided for witnesses in civil cases in courts of record, which must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chair of the committee;

[PL 2019, c. 475, §19 (AMD).]

8.

[PL 1975, c. 750, §2 (RP).]

SECTION HISTORY

PL 1973, c. 590, §8 (NEW). PL 1975, c. 593, §§1,2 (AMD). PL 1975, c. 623, §3 (AMD). PL 1975, c. 750, §2 (AMD). PL 1975, c. 770, §6 (AMD). PL 1985, c. 377, §1 (AMD). PL 2019, c. 475, §19 (AMD).

§166. Director of Legislative Assistants

(REPEALED)

SECTION HISTORY

PL 1973, c. 590, §9 (NEW). PL 1975, c. 770, §7 (AMD). PL 1983, c. 2, §5 (RPR). PL 1985, c. 501, §B7 (RP).

§167. Legislative Finance Officer; duties

(REPEALED)

SECTION HISTORY

P&SL 1973, c. 220, §5 (AMD). PL 1973, c. 590, §10 (NEW). PL 1979, c. 406 (AMD). PL 1979, c. 541, §A9 (AMD). PL 1983, c. 2, §6 (AMD). PL 1985, c. 501, §B8 (RP).

§168. Staff assistants to legislative leadership

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives each have the authority to appoint, at each legislative leader's discretion, a personal staff assistant, or more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant, when the Legislature is in session and at such other times as might be necessary, with the approval of the Legislative Council. [PL 2019, c. 475, §20 (AMD).]

SECTION HISTORY

PL 1973, c. 590, §11 (NEW). PL 1975, c. 623, §§3-A (AMD). PL 1975, c. 770, §8 (AMD). PL 1977, c. 564, §§11-A (AMD). PL 1983, c. 32, §H (AMD). PL 2019, c. 475, §20 (AMD).

§168-A. Legislative Youth Advisory Council

(REPEALED)

SECTION HISTORY

PL 2001, c. 439, §PPPP1 (NEW). PL 2001, c. 439, §PPPP4 (AFF). PL 2003, c. 20, §§F2,3 (AMD). PL 2003, c. 481, §§1,2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 414, §§1,2 (AMD). PL 2005, c. 616, §§A1,B1-4 (AMD). PL 2007, c. 679, §§1, 2 (AMD). PL 2009, c. 623, §1 (RP).

§168-B. Legislative Youth Advisory Council

(REPEALED)

SECTION HISTORY

PL 2009, c. 623, §2 (NEW). PL 2015, c. 491, §1 (RP).

§169. Constituent Service Officer; functions and duties

(REPEALED)

SECTION HISTORY

PL 1973, c. 590, §12 (NEW). PL 1985, c. 501, §B9 (RP).

§170. Partisan employees; restricted activities

Partisan legislative employees who assume active roles in campaigns shall either limit their activities to evenings and weekends or take leave to pursue these activities if they occur during the Legislature's regular business day, which is 8 a.m. to 5 p.m. This includes fund raising for campaign efforts as well as other activities that are directly related to election or reelection efforts. [PL 1995, c. 100, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 100, §1 (NEW).

§170-A. Use of legislative equipment and resources

Legislative employees are prohibited from at any time using the computer system, telephones, copying machines and other legislative equipment for work related to campaigns. [PL 1995, c. 100, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 100, §1 (NEW).

§170-B. Required training regarding harassment

All Legislators, legislative staff, lobbyists and lobbyist associates shall attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" and "lobbyist associate" have the same meanings as in section 312-A, subsections 10 and 10-A, respectively. [PL 2019, c. 587, §2 (AMD); PL 2019, c. 587, §18 (AFF).]

SECTION HISTORY

PL 2017, c. 443, §1 (NEW). PL 2019, c. 41, §1 (AMD). PL 2019, c. 587, §2 (AMD). PL 2019, c. 587, §18 (AFF).

SUBCHAPTER 2

LAW AND LEGISLATIVE REFERENCE LIBRARY

§171. Declaration of policy

The Legislature declares that it is the policy of the State to provide a law and legislative reference library adequate to the informational needs of the Legislature, other branches of State Government and the citizens of Maine. [PL 1971, c. 480, §1 (NEW).]

SECTION HISTORY

PL 1971, c. 480, §1 (NEW).

§172. State Law Librarian

(REPEALED)

SECTION HISTORY

PL 1971, c. 480, §1 (NEW). P&SL 1973, c. 220, §6 (AMD). PL 1973, c. 590, §13 (AMD). PL 1975, c. 770, §9 (RP).

§172-A. State Law Library; administration

The Executive Director of the Legislative Council shall assign, direct and supervise, subject to the control of the council, the activities of the State law and legislative reference library. [PL 1985, c. 501, Pt. B, §10 (NEW).]

SECTION HISTORY

PL 1985, c. 501, §B10 (NEW).

§173. State Law Library; services

The State Law Library shall provide the following services: [PL 1985, c. 501, Pt. B, §11 (AMD).]

1. Legislative reference service. Provide a comprehensive reference service on legislative problems for all members of the Legislature and its committees, equally and impartially, and to the limits of its staff and facilities. Such reference services shall be available also to public officials and to citizens generally.

Collect, index and make available in the most suitable form information relative to governmental subjects which will aid the Legislature, other public officials and citizens to perform their duties in an enlightened manner.

[PL 1971, c. 480, §1 (NEW).]

2. Law library. Provide a law library for the use of all agencies of State Government, the judiciary, attorneys and citizens of Maine.

[PL 1985, c. 501, Pt. B, §11 (AMD).]

3. Distribution, sale and exchange of law books. Copies of the Revised Statutes, supplements to the Revised Statutes and session laws must be delivered by the printer to the State Law Librarian for distribution and sale in accordance with prices, policies and procedures established by the Legislative Council. All proceeds from such sales must be deposited to the credit of the General Fund.

A.

Copies must be sent, on an exchange basis, to the Library of Congress, secretary of the Maine State Bar Association, the Supreme Court Library of Canada and to each state or territorial library in the United States.

One copy of the laws passed by each session of the Legislature must be given to each Member of the Legislature, the Secretary of the Senate, the Assistant Secretary of the Senate, the Clerk of the House and the Assistant Clerk of the House. [PL 2019, c. 475, §21 (AMD).]

B. [PL 1985, c. 501, Pt. B, §11 (RP).]

C. [PL 1985, c. 501, Pt. B, §11 (RP).]

The State Law Librarian may, in the librarian's discretion, sell surplus copies of volumes entrusted to the librarian or use them for exchange purposes to increase the usefulness of the library. Proceeds from all sales must be deposited to the credit of the General Fund.

[PL 2019, c. 475, §21 (AMD).]

SECTION HISTORY

PL 1971, c. 480, §1 (NEW). P&SL 1975, c. 147, §H1 (AMD). PL 1975, c. 771, §§12-14 (AMD). PL 1977, c. 506, §§1-3 (AMD). PL 1981, c. 48, §2 (AMD). PL 1985, c. 501, §B11 (AMD). PL 2019, c. 475, §21 (AMD).

§174. Administrative provisions

(REPEALED)

SECTION HISTORY

PL 1971, c. 480, §1 (NEW). PL 1975, c. 770, §10 (RPR). PL 1979, c. 396, §8 (AMD). PL 1983, c. 2, §7 (AMD). PL 1985, c. 501, §B12 (RP).

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CHAPTER 141
GENERAL PROVISIONS

§1501. Uniform fiscal year

The fiscal year of the State Government shall commence on the first day of July and end on the 30th day of June each year. The fiscal year shall be followed in making appropriations and in financial reporting, and shall be uniformly adopted by all departments and agencies of the State Government.

§1502. Federal funds

The Governor and every state officer and department head who shall be intrusted with the expenditure of federal funds in this State shall file in the office of the State Controller a detailed report of all disbursements, including the purposes for which such disbursements were made and the persons to whom any money was paid, supported by proper vouchers, said report to be filed within 30 days after the entire fund has been disbursed.

Any state officer excepting the Governor, whether elected or appointed, and any department head who shall fail or neglect to file such report as provided shall be subject to removal from office by authority of the Governor, and if the Governor of the State shall fail or neglect to file such report, he shall be subject to impeachment in the manner provided in the Constitution of Maine, Article IX, section 5.

§1502-A. Payment priority

Payments made on behalf of the Department of Health and Human Services for Temporary Assistance for Needy Families and for foster care have priority over other payments and must be made without delay whether or not they are pursuant to a state plan or contract under 45 Code of Federal Regulations, Part 23. The Department of Administrative and Financial Services shall cooperate with other state agencies to accomplish priority payments. [PL 1991, c. 747, §2 (NEW); PL 1997, c. 530, Pt. A, §34 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1991, c. 747, §2 (NEW). PL 1997, c. 530, §A34 (AMD). PL 2003, c. 689, §B6 (REV).

§1503. Allocations from the Construction Reserve Fund; balance**(REPEALED)**

SECTION HISTORY

PL 1969, c. 455, §2 (RP).

§1504. Charging off accounts due State

The State Controller shall charge off the books of account of the State or any department, institution or agency thereof, such accounts receivable, including all taxes for the assessment or collection of which the State is responsible, and all impounded bank accounts, as are certified to the State Controller as impractical of realization by or for the State, department, institution or agency. Such certification must be by the Attorney General, the Commissioner of Administrative and Financial Services and the head of the department, institution or agency responsible for such account, subject to the approval of the Governor. In each such case, the charging off of such accounts must be recommended by the head of the department, institution or agency originally responsible for such account. [PL 1991, c. 780, Pt. Y, §38 (AMD).]

SECTION HISTORY

PL 1973, c. 701, §3 (AMD). PL 1975, c. 771, §65 (AMD). PL 1985, c. 785, §A48 (AMD). PL 1991, c. 780, §Y38 (AMD).

§1505. Petty Cash Funds

A Petty Cash Fund must be allowed by the Commissioner of Administrative and Financial Services to each state department or agency that in the commissioner's opinion requires such a fund. The fund so established may be reimbursed only upon statements and bills audited by the State Controller. [PL 1991, c. 780, Pt. Y, §39 (AMD).]

SECTION HISTORY

PL 1985, c. 785, §A49 (AMD). PL 1991, c. 780, §Y39 (AMD).

§1506. Return of working capital advances

Whenever a working capital advance, or any part thereof, is no longer required for the purpose for which it was made, such amount must be returned to the state fund from which the advance was made. Such return may be made only on the recommendation of the department or agency head having jurisdiction over the advance and with the approval of the Commissioner of Administrative and Financial Services and the Governor. [PL 1991, c. 780, Pt. Y, §40 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §66 (AMD). PL 1985, c. 785, §A50 (AMD). PL 1991, c. 780, §Y40 (AMD).

§1507. Contingent Account

The Governor may allocate from the State Contingent Account amounts not to exceed in total the sum of \$4,350,000. The Governor may allocate from such account amounts not to exceed in total the sum of \$300,000 in any fiscal year in accordance with the purposes specified in subsections 1, 2, 3, 4 and 4-A, an amount not to exceed \$1,000,000 in accordance with the purposes specified in subsection 5-A, an amount not to exceed \$1,000,000 in accordance with the purposes specified in subsection 5-B and an amount not to exceed \$2,000,000 in accordance with the purposes specified in subsection 5-C. [PL 2009, c. 213, Pt. OOO, §1 (AMD).]

1. Institutions. The Governor may allocate funds from such account, when need exists and only upon the written request of the Commissioner of Health and Human Services and upon consultation with the State Budget Officer, to those institutions administered by the Department of Health and Human Services where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief can not be absorbed within regular legislative appropriations.

[RR 1995, c. 2, §4 (COR); PL 2001, c. 354, §3 (AMD); PL 2003, c. 689, Pt. B, §§6, 7 (REV).]

2. Construction. The Governor may allocate funds from such account to provide funds for construction, repairs, equipment, supplies and furnishings, whenever:

A. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the Legislature; or [PL 1975, c. 771, §67 (RPR).]

B. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor. [PL 1975, c. 771, §67 (RPR).]

The Governor may make allocations for this purpose only upon the written request of an appropriate officer of the State and upon consultation with the State Budget Officer.

[PL 1975, c. 771, §67 (RPR).]

3. Purchase of real estate. The Governor may allocate funds from such account to provide funds in accordance with Title 1, section 814. Allocations may be made from this fund by the Governor only

upon the written request of the Director of the Bureau of General Services and upon consultation with the State Budget Officer.

[PL 2011, c. 691, Pt. B, §7 (AMD).]

4. Emergencies. The Governor may allocate funds from such account to meet any emergency expense necessarily incurred under any requirement of law or for the maintenance, in emergency conditions, of government within the scope existing at the time of the previous session of the Legislature or contemplated by laws enacted thereat, or to pay expenses arising out of an emergency requiring an expenditure or money not provided by the Legislature. The Governor shall determine the necessity for such allocations upon consultation with the State Budget Officer.

[PL 1975, c. 771, §67 (RPR).]

4-A. Maine community colleges. The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$100,000 in any fiscal year to provide funds for any unusual and unforeseen needs as may arise in the operation of the Maine community colleges. Allocations may be made from this fund by the Governor only upon the written request of the Board of Trustees of the Maine Community College System and after consultation with the State Budget Officer.

[PL 1989, c. 878, Pt. A, §11 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

5. Promotion of Maine. The Governor, upon consultation with the State Budget Officer, may allocate funds from such account in amounts not to exceed in total the sum of \$50,000 in any fiscal year for the promotion of Maine outside of the State, after ample evidence is presented that such funds will support such unusual and unforeseen needs as may arise in the promotion of specific projects that bear a direct positive effect on the economy of Maine and only when there is a written request to the Governor for such funds by a private group or by a state officer whose duties are related to such specific projects; and \$250,000 in any fiscal year for scientific, experimental and research projects designed to develop new industries, to enhance industrial productivity or to develop, test or transfer new technologies for which federal funding requiring a state match is available.

[PL 1991, c. 528, Pt. E, §6 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §6 (AMD).]

5-A. Job development training. The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$1,000,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor-intensive new or expanding industries. Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with the Commissioner of Education, the President of the Maine Community College System and the director of the appropriate local workforce investment area designated pursuant to the federal Workforce Innovation and Opportunity Act, Public Law 113-128.

[PL 2017, c. 110, §1 (AMD).]

5-B. Training fund for job retention. The Governor may allocate funds from the account in amounts not to exceed in total the sum of \$1,000,000 to provide funds to assist with the training needs of stable businesses that utilize new technologies and work processes to remain competitive and would otherwise be reducing their workforce. Allocations for this purpose may be made from this fund by the Governor only upon written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with officials and training providers of the business.

[PL 1993, c. 410, Pt. QQQ, §2 (NEW).]

5-C. Early childhood investments. The Governor may allocate funds from the account in amounts not to exceed in total the sum of \$2,000,000 to provide funds to assist with the development of an early care and education infrastructure. Allocations for this purpose may be made from this fund by the Governor upon written request of the Commissioner of Education and the Commissioner of Health and Human Services and after consultation with the State Budget Officer.

[PL 2009, c. 213, Pt. OOO, §2 (NEW).]

6. Claims. The Governor shall allocate funds from the account for the payment of claims approved or partially approved by the State Claims Commission under section 1510-A.

[PL 2005, c. 683, Pt. A, §6 (AMD).]

7. Procedure. All allocations from the State Contingent Account must be supported by a statement of facts setting forth the necessity for the allocation. A copy of each order for an allocation, together with the statement of facts, must be provided to the Office of Fiscal and Program Review, the joint standing committee having jurisdiction over economic development matters, to the President of the Senate and to the Speaker of the House of Representatives when the allocation is made.

[PL 1993, c. 410, Pt. QQQ, §3 (AMD).]

The State Controller shall include in his official annual financial report at the close of each fiscal year a statement showing all transfers made from the State Contingent Account for the fiscal period.

[PL 1975, c. 771, §67 (RPR).]

After the close of each fiscal year, the Governor may request a General Fund appropriation from the next session of the Legislature in an amount as may be available to bring the total available in the State Contingent Account to a maximum of \$4,350,000 for the current fiscal year. [PL 2009, c. 213, Pt. OOO, §3 (AMD).]

At the close of each fiscal year, as the first priority transfer before any other transfer authorized by law, there must be transferred from the General Fund an amount as may be available from time to time until the maximum of \$350,000 is achieved to be used for the purposes specified in subsections 1 to 6. [PL 2005, c. 519, Pt. VV, §1 (AMD).]

Notwithstanding any other provision of law, if the funds remaining in the State Contingent Account are not sufficient to address a purpose consistent with the purposes specified in subsection 4, the Governor may upon consultation with the State Budget Officer access any funds available to the State. The Governor shall identify by financial order the account, fund or other source from which payment is made. Funds accessed for this purpose may not exceed \$750,000. [PL 2005, c. 12, Pt. CC, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 455, §1 (RPR). PL 1975, c. 756, §1 (AMD). PL 1975, c. 771, §67 (RPR). PL 1977, c. 78, §16 (AMD). PL 1979, c. 602, §§1,2 (AMD). PL 1981, c. 493, §2 (AMD). PL 1985, c. 497, §1 (AMD). PL 1985, c. 737, §B6 (AMD). PL 1985, c. 759, §§1-3 (AMD). PL 1985, c. 814, §§E1-3 (AMD). PL 1987, c. 395, §A18 (AMD). PL 1987, c. 534, §§A5,A19 (AMD). PL 1987, c. 816, §§N1-N3 (AMD). PL 1989, c. 443, §§8,9 (AMD). PL 1989, c. 700, §A15 (AMD). PL 1989, c. 878, §A11 (AMD). PL 1989, c. 893 (AMD). PL 1991, c. 528, §E6 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E6 (AMD). PL 1993, c. 349, §7 (AMD). PL 1993, c. 410, §§QQQ1-4 (AMD). RR 1995, c. 2, §4 (COR). PL 1995, c. 464, §§1,2 (AMD). PL 1995, c. 464, §18 (AFF). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1997, c. 24, §C2 (AMD). PL 2001, c. 354, §3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 114, §1 (AMD). PL 2003, c. 689, §§B6,7 (REV). PL 2005, c. 12, §CC1 (AMD). PL 2005, c. 519, §VV1 (AMD). PL 2005, c. 683, §A6 (AMD). PL 2009, c. 213, Pt. OOO, §§1-3 (AMD). PL 2011, c. 691, Pt. B, §7 (AMD). PL 2017, c. 110, §1 (AMD).

§1508. State funds eliminated

Unless the Legislature otherwise directs, the Commissioner of Administrative and Financial Services, with the approval of the Governor, has authority to discontinue any or all special expendable state funds with the exception of the sinking funds and trust funds and to merge the balance or balances of such fund or funds so discontinued with the General Fund. [PL 1991, c. 780, Pt. Y, §41 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §68 (AMD). PL 1985, c. 785, §A51 (AMD). PL 1991, c. 780, §Y41 (AMD).

§1509. Records; collections

It shall be the duty of each department, institution or agency of the State to keep a record of all items of income accruing to it. Each department, institution or agency shall be solely responsible for collections of all accounts receivable accruing to it, including taxes levied by the State. In each instance of an item of income accruing to any department, institution or agency, such department, institution or agency shall immediately begin collection efforts and shall make such repeated collection efforts as may be necessary to promptly satisfy the amount owed to the State. Whenever there shall continue to exist items of income or taxes owed to the State which are not paid within 90 days, it shall be the duty of the department, institution or agency to whom such amount is owed to again attempt promptly to collect same. In cases of failure to pay, the department, institution or agency shall refer the account to the Attorney General for collection. [PL 1973, c. 701, §4 (NEW).]

SECTION HISTORY

PL 1973, c. 701, §4 (NEW).

§1509-A. Payment by credit card

State departments and agencies shall implement, with the approval of the State Controller and the State Treasurer, procedures for accepting payment for goods, services, taxes, fines, charges or any other fees by credit card, debit card or other electronic means. Unless otherwise provided for in law, a state department or agency may impose a surcharge, including a service fee, for payments made by credit card or debit card for taxes, fines, charges, utility fees, regulatory fees, registration fees, license or permit fees or the provision of a specific service or good provided by that state department or agency in accordance with the provisions of Title 9-A, section 8-509, subsection 2. [PL 2021, c. 150, §1 (AMD).]

SECTION HISTORY

PL 1997, c. 643, §U1 (NEW). PL 1999, c. 401, §E1 (AMD). PL 1999, c. 762, §1 (AMD). PL 1999, c. 762, §5 (AFF). PL 2021, c. 150, §1 (AMD).

§1510. Certain claims against the State

(REPEALED)

SECTION HISTORY

PL 1975, c. 313 (NEW). PL 1975, c. 771, §69 (RPR). PL 1977, c. 591, §§1,2 (AMD). PL 1977, c. 624, §1 (RP).

§1510-A. Certain claims against the State

1. Claims against state agency. A state agency may hear and decide any claim of \$2,000 or less against it, or any of its agents, except a claim that may be submitted under the Maine Tort Claims Act, Title 14, chapter 741, or under another specific statutory provision. Any agency paying all or part of a claim heard under this subsection shall make payment as soon as practicable from currently available agency funds and, if no funds are then available, from agency funds from the following fiscal year. An agency deciding a claim under this subsection shall make its final decision, and reasons for the decision,

in writing and shall, as soon as practicable, send a copy of that decision to the claimant by certified mail.

These claims include, but are not limited to, claims for damage or injury caused by patients, inmates, prisoners in the care or custody of the Department of Health and Human Services or of any institution administered by a department or by children in the custody of the Department of Health and Human Services.

[PL 1993, c. 468, §1 (AMD); PL 1995, c. 560, Pt. K, §82 (AMD); PL 1995, c. 560, Pt. K, §83 (AFF); PL 2001, c. 354, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Claims against the State decided by the State Claims Commission. A claim under this section may be submitted to the State Claims Commission and heard and decided by it, if:

A. The claim was submitted under subsection 1 to a state agency which refused to hear it; [PL 1977, c. 624, §2 (NEW).]

B. The claim was submitted under subsection 1 to a state agency and no final decision was made within 90 days of submission; or [PL 1977, c. 624, §2 (NEW).]

C. The claim cannot be submitted under a specific statutory provision other than subsection 1 because the claimant, as a result of an action or omission of a state agency or state agent, has not complied with time limits contained in that specific statutory provision. [PL 1987, c. 395, Pt. A, §19 (AMD).]

Any payment resulting from a decision of the State Claims Commission on a claim submitted to it under this subsection shall be paid as soon as practicable by the state agency or agencies found responsible by the State Claims Commission or, if there is no clearly identifiable responsible state agency, the payment shall be paid from the state contingent fund.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

3. Appeal from departmental decisions. Any claim disapproved in whole or part by a state agency hearing that claim under subsection 1 may be appealed to the State Claims Commission within 30 days from the disapproval or partial disapproval. The State Claims Commission shall hear de novo any claim so appealed.

Any payment resulting from a decision of the State Claims Commission on a claim submitted to it under this subsection shall be paid by the state agency or agencies found responsible by the State Claims Commission or, if there is no clearly identifiable responsible state agency, the payment shall be paid from the state contingent fund.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

4. Appeal from State Claims Commission decision. Any party aggrieved by an award of the State Claims Commission may appeal therefrom to the Superior Court within 30 days after the date of the receipt of the notice of the award. The appeal shall be taken by filing a complaint setting forth, as in other civil matters, substantially the facts upon which the case shall be tried. Service shall be made on the opposing party and the State Claims Commission by sending a true copy of the complaint by registered or certified mail within the time limit set out in this subsection. The complaint shall be filed in the Superior Court for the county where one or more of the parties reside or have their principal place of business or where the activity or property which is the subject of the proceeding is located. The court's determination shall be de novo and without a jury or, if all parties agree, by a referee or referees. [PL 1987, c. 395, Pt. A, §19 (AMD).]

5. Jurisdiction over claims prior to January 4, 1977. The jurisdiction of the State Claims Commission over claims subject to this section includes those claims which have arisen prior to January 4, 1977, unless they have been ruled upon by the Governor and Executive Council or by the Legislature prior to January 4, 1977.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

6. Hearings. Hearings on claims submitted under subsection 2 or appeals made under subsection 3 shall be held at a time and place which the State Claims Commission shall determine. The chairman shall assign either one or 3 members to hear and determine each claim. Hearings on claims under this section which are properly submitted to the State Claims Commission shall be held in accordance with the Maine Administrative Procedure Act, chapter 375. The decision of the commission shall include the reasons for the findings.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

7. Different procedures. A claim submitted under this section shall not be disapproved solely because a claim based on the same facts was submitted under a different statutory procedure and was disallowed.

[PL 1977, c. 624, §2 (NEW).]

8. Rules; report. The commission may adopt rules to implement this section. The commission shall, on or before January 30th of each year, report to the Legislature on all claims filed pursuant to this section.

[PL 1987, c. 395, Pt. A, §19 (AMD).]

SECTION HISTORY

PL 1977, c. 624, §2 (NEW). PL 1979, c. 672, §2 (AMD). PL 1983, c. 553, §2 (AMD). PL 1987, c. 395, §A19 (AMD). PL 1993, c. 468, §1 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV).

§1510-B. No liability for wild animal damage

The State is not liable for damage done by wild animals to beehives or livestock. Neither state agencies nor the State Claims Commission may accept claims for such wild animal damage. [PL 1987, c. 395, Pt. A, §20 (AMD).]

SECTION HISTORY

PL 1979, c. 672, §3 (NEW). PL 1981, c. 368, §1 (AMD). PL 1987, c. 395, §A20 (AMD).

§1511. Loan Insurance Reserve

The State Controller may, at the close of each fiscal year, as the next priority after the transfers authorized pursuant to section 1507, transfer from the Unappropriated Surplus of the General Fund to the Loan Insurance Reserve amounts as may be available from time to time, up to an amount of \$1,000,000 per year after the transfers have been made pursuant to section 1507. The balance of this reserve must be paid to the Finance Authority of Maine if such payment does not cause the balance in the reserve fund maintained by the authority, when added to amounts held in the Finance Authority of Maine Mortgage Insurance Fund that are not committed or encumbered for another purpose, to exceed \$40,000,000. Any balance in the Loan Insurance Reserve is appropriated for this purpose. [PL 2011, c. 657, Pt. F, §1 (AMD).]

SECTION HISTORY

P&SL 1975, c. 147, §C7 (NEW). PL 1981, c. 192, §1 (AMD). PL 1985, c. 512, §D (AMD). PL 1985, c. 714, §1 (RPR). PL 1987, c. 816, §O1 (AMD). PL 1991, c. 9, §E5 (AMD). PL 1991, c. 622, §JJ (AMD). PL 1993, c. 6, §B1 (AMD). PL 1993, c. 508, §G1 (AMD). PL 1993, c. 707, §G2 (AMD). PL 1995, c. 464, §3 (AMD). PL 2001, c. 559, §V1 (AMD). PL 2003, c. 451, §X1 (AMD). PL 2005, c. 2, §A1 (AMD). PL 2005, c. 2, §A14 (AFF). PL 2005, c. 519, §VV2 (AMD). PL 2011, c. 657, Pt. F, §1 (AMD).

§1512. Payment of attorneys' fees awards

Notwithstanding section 1543 or any other statute, attorneys' fees awarded by a court against the State, its departments, agencies, officers or employees, and settlements of attorneys' fees without court

award in these cases, may be paid from any funds available to the State. The Governor may identify by financial order the account, fund or other source from which payment of the attorneys' fees award or settlement shall be made. [PL 1981, c. 417 (NEW).]

All property, assets and interests of the State are exempt from any attachment or execution sought for the enforcement of an award of attorneys' fees. [PL 1981, c. 417 (NEW).]

SECTION HISTORY

PL 1981, c. 417 (NEW).

§1513. Maine Rainy Day Fund

(REPEALED)

SECTION HISTORY

PL 1985, c. 448 (NEW). PL 1987, c. 349, §H4 (AMD). PL 1987, c. 788, §1 (AMD). PL 1987, c. 793, §A1 (AMD). PL 1989, c. 502, §§D1,D2 (AMD). PL 1991, c. 528, §UU1 (AMD). PL 1991, c. 528, §§UU3,RRR (AFF). PL 1991, c. 589, §2 (AMD). PL 1991, c. 591, §UU1 (AMD). PL 1991, c. 591, §UU3 (AFF). PL 1993, c. 6, §D1 (AMD). PL 1993, c. 410, §II1 (AMD). PL 1993, c. 707, §G3 (AMD). PL 1995, c. 489, §1 (AMD). PL 1995, c. 706, §1 (AMD). PL 1997, c. 455, §31 (AMD). PL 1997, c. 563, §B1 (AMD). PL 1997, c. 564, §1 (AMD). PL 1997, c. 565, §1 (AMD). PL 1997, c. 643, §§E1,2,GGG1 (AMD). PL 1997, c. 780, §1 (AMD). RR 1999, c. 1, §2 (COR). RR 1999, c. 2, §1 (COR). PL 1999, c. 4, §D1 (AMD). PL 1999, c. 127, §A4 (AMD). PL 1999, c. 401, §§GGG1,Z1 (AMD). PL 1999, c. 401, §GGG2 (AFF). PL 1999, c. 505, §A1 (AMD). PL 1999, c. 749, §§1,2 (AMD). PL 1999, c. 749, §3 (AFF). PL 2001, c. 356, §1 (AMD). PL 2001, c. 358, §§G1,X1 (AMD). PL 2001, c. 439, §§T1,CCCCC1 (AMD). PL 2001, c. 559, §E1 (AMD). PL 2003, c. 451, §§X2-4 (AMD). PL 2005, c. 2, §A2 (RP). PL 2005, c. 2, §A14 (AFF).

§1513-A. Governor Baxter School for the Deaf Compensation Fund established

(REPEALED)

SECTION HISTORY

PL 2001, c. 439, §T2 (NEW). PL 2003, c. 451, §X5 (RP).

§1514. Tax Adjustment Reserve Fund

(REPEALED)

SECTION HISTORY

PL 1987, c. 4, §1 (NEW). PL 1987, c. 504, §1 (AMD). PL 1987, c. 816, §S (AMD). PL 1987, c. 819, §1 (AMD). PL 1987, c. 832, §1 (AMD). PL 1987, c. 892, §1 (AMD). PL 1989, c. 502, §§A13,A14 (AMD). PL 1989, c. 878, §§A12,13 (AMD). PL 2011, c. 420, Pt. C, §2 (RP).

§1515. Corporate Income Tax Investment Credit Fund

1. Corporate Income Tax Investment Credit Fund. There is established a Corporate Income Tax Investment Credit Fund for the purpose of reserving the money appropriated to it awaiting transfer to fund a one-time tax credit for corporate investments in new, used or leased tangible personal property which is placed in service in Maine during the 1989 calendar year and is directly related to the production of goods and services.

[PL 1987, c. 876, §2 (NEW).]

2. Enactment of credit. The joint standing committee of the Legislature having jurisdiction over taxation shall develop the specific provisions of the tax credit. The committee shall report its findings and any recommended legislation to the First Regular Session of the 114th Legislature. This program shall be finalized by April 30, 1989.

[PL 1987, c. 876, §2 (NEW).]

3. Carry-forward.

[PL 1989, c. 501, Pt. P, §10 (NEW); PL 1989, c. 530, §1 (NEW); PL 1989, c. 702, Pt. E, §2 (RP).]

SECTION HISTORY

PL 1987, c. 876, §2 (NEW). PL 1989, c. 501, §P10 (AMD). PL 1989, c. 530, §1 (AMD). PL 1989, c. 702, §E2 (AMD).

§1516. Blaine House Renovations and Repairs Fund

1. Blaine House Renovations and Repairs Fund. There is created the Blaine House Renovations and Repairs Fund which shall be used solely for capital improvements, renovations and repairs to the Blaine House.

[PL 1989, c. 501, Pt. P, §11 (NEW).]

2. Nonlapsing fund. Any unexpended funds appropriated by the Legislature to implement the purposes of this chapter shall not lapse, but shall be carried forward. Any funds in excess of \$100,000 shall be transferred to the General Fund.

[PL 1989, c. 501, Pt. P, §11 (NEW).]

3. Private contributions. The Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account, is established in the Executive Department. This account may receive and accept allocations, appropriations, grants and contributions of money to be used for capital improvements, renovations and repairs to and general operations of the Blaine House. This account may not lapse but must be carried forward from year to year.

[PL 2003, c. 451, Pt. N, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 501, §P11 (NEW). PL 2003, c. 451, §N1 (AMD).

§1516-A. Capital Construction and Improvements Reserve Fund

1. Capital Construction and Improvements Reserve Fund. There is created the Capital Construction and Improvements Reserve Fund, referred to in this section as the "fund," that may be used solely for capital projects that construct, renovate or improve state facilities. Money in the fund may not be expended on facility maintenance issues.

[PL 1997, c. 643, Pt. AAA, §1 (NEW).]

2. Nonlapsing fund. Any unexpended money appropriated or allocated to the fund may not lapse, but must be carried forward.

[PL 1997, c. 643, Pt. AAA, §1 (NEW).]

3. Investment of funds. The money in the fund may be invested as provided by law with the earnings credited to the fund.

[PL 1997, c. 643, Pt. AAA, §1 (NEW).]

4. Report. The Commissioner of Administrative and Financial Services shall provide a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs annually by January 15th that includes the following:

A. The status of any capital projects undertaken or completed during the most recently completed fiscal year and the current fiscal year; [PL 1997, c. 643, Pt. AAA, §1 (NEW).]

B. Money expended during the most recently completed and the current fiscal year, by project; and [PL 1997, c. 643, Pt. AAA, §1 (NEW).]

C. Remaining fund balances at the end of the most recently completed fiscal year. [PL 1997, c. 643, Pt. AAA, §1 (NEW).]
[PL 1997, c. 643, Pt. AAA, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 643, §AAA1 (NEW).

§1516-B. Leased Space Reserve Fund

1. Leased Space Reserve Fund. There is created the Leased Space Reserve Fund, referred to in this section as "the fund," which may be used for costs related to relocation from leased space to state-owned facilities or relocation from a leased space to a lower-priced leased space and capital projects that construct, renovate or improve state facilities. Money in the fund may not be expended on facility maintenance issues.

[PL 2011, c. 689, §1 (NEW).]

2. Nonlapsing fund. Any unexpended money appropriated or allocated to the fund may not lapse, but must be carried forward.

[PL 2011, c. 689, §1 (NEW).]

3. Funding of fund. The Department of Administrative and Financial Services, Bureau of General Services shall notify the State Controller and the State Budget Officer of a relocation of a state agency from leased space to a state-owned facility or a relocation of a state agency from leased space to a lower-priced leased space. Any balance, net of the value of the state cost allocation program as determined by the State Controller, remaining in General Fund or Other Special Revenue Funds money appropriated or allocated for leased space and all facility-related expenses for that agency during the biennium of the relocation as a result of savings resulting from the relocation must be transferred as provided in this subsection.

A. The State Budget Officer shall transfer 50% of any General Fund or Other Special Revenue Funds money through financial order to the fund. This transfer is considered to be an adjustment to the appropriation or allocation. [PL 2011, c. 689, §1 (NEW).]

B. The remaining balance must be transferred to the General Fund as unappropriated surplus. [PL 2011, c. 689, §1 (NEW).]
[PL 2011, c. 689, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 689, §1 (NEW).

§1517. Transfer to Retirement Allowance Fund

(REPEALED)

SECTION HISTORY

PL 1995, c. 464, §4 (NEW). PL 2003, c. 451, §X6 (AMD). PL 2005, c. 2, §A3 (RP). PL 2005, c. 2, §A14 (AFF).

§1518. Tax Relief Fund for Maine Residents

(REPEALED)

SECTION HISTORY

PL 1997, c. 24, §E1 (NEW). PL 1997, c. 643, §HHH1 (AMD). PL 1997, c. 643, §T1 (RP). PL 1997, c. 643, §ST6, HHH10 (AFF). PL 1997, c. 750, §D1 (AFF).

§1518-A. Property Tax Relief Fund for Maine Residents

(REPEALED)

SECTION HISTORY

PL 2005, c. 2, §A4 (NEW). PL 2005, c. 2, §A14 (AFF). PL 2011, c. 692, §1 (AMD). PL 2015, c. 390, §1 (AMD). PL 2019, c. 448, §1 (AMD). PL 2021, c. 398, Pt. ZZZ, §1 (RP).

§1519. Retiree Health Insurance Internal Service Fund

1. Established. The Retiree Health Insurance Internal Service Fund is established within the Department of Administrative and Financial Services to accumulate funds to pay the health insurance premiums for retired state employees and teachers.

[PL 1999, c. 731, Pt. DD, §1 (NEW); PL 1999, c. 731, Pt. DD, §2 (AFF).]

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Board of Trustees, Maine Public Employees Retirement System established under section 12004-F, subsection 9. [PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF); PL 2007, c. 58, §3 (REV).]

B. "Commissioner" means the Commissioner of Administrative and Financial Services. [PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF).]

C. "Fund" means the Retiree Health Insurance Internal Service Fund. [PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF).]

[PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF); PL 2007, c. 58, §3 (REV).]

2. Funding.

[PL 2003, c. 451, Pt. X, §7 (RP).]

3. Investment of the fund. The board shall invest the cash assets of the fund that are not required to pay insurance premiums and other operating expenses at the request of the commissioner in the same manner and according to the same investment policy and practices by which the board invests the assets of the Maine Public Employees Retirement System. The board shall treat the fund as held in trust on behalf of the State for the purposes specified in this section and no other and shall separately account for the fund as investment assets, attributing to the fund its proportional share of investment returns and of investment management costs and expenses, including costs and expenses of the retirement system arising because of the board's investment of the fund. The commissioner and the board shall develop jointly a memorandum of understanding that sets out their mutual understanding of the investment of the fund, the related investment accounting and investment return and expense attribution.

[PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF); PL 2007, c. 58, §3 (REV).]

4. Audit of the fund. The commissioner shall ensure adequate audit of the investment management of the fund and the expenditures of the fund each fiscal year within the scope of the annual audit of the Maine Public Employees Retirement System and the State's single audit or through a separate audit as considered appropriate by the board. Any separate audit must be reported to the Governor, the Legislature, the commissioner and the State Controller in as timely a manner as possible after the close of each fiscal year.

[PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF); PL 2007, c. 58, §3 (REV).]

5. Use of the fund. Notwithstanding subsection 1, the fund may be used for necessary audit services, legal expenses, investment management fees and services, general administrative expenses, costs related to the management and administration of the fund and health insurance premium costs.

[PL 2001, c. 439, Pt. C, §1 (NEW); PL 2001, c. 439, Pt. C, §4 (AFF).]

6. Additional transfers to the fund. The State Controller may, at the close of each fiscal year, as the next priority after the transfers authorized pursuant to section 1507, section 1511 and section 1536, subsection 1, transfer from the unappropriated surplus of the General Fund to the Retiree Health Insurance Internal Service Fund amounts as may be available from time to time, up to an amount of

\$4,000,000 in fiscal year 2015-16, \$4,000,000 in fiscal year 2016-17 and, beginning in fiscal year 2017-18, \$2,000,000 to be used solely for the purpose of amortizing the unfunded liability for retiree health benefits. Transfers to the fund may also include appropriations and allocations of the Legislature and revenue from direct billing rates charged to state departments and agencies and other participating jurisdictions to be used solely for the purpose of amortizing the unfunded liability for retiree health benefits.

[PL 2015, c. 267, Pt. L, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 731, §DD1 (NEW). PL 1999, c. 731, §DD2 (AFF). PL 2001, c. 439, §C1 (AMD). PL 2001, c. 439, §C4 (AFF). PL 2003, c. 451, §X7 (AMD). PL 2007, c. 58, §3 (REV). PL 2015, c. 267, Pt. L, §1 (AMD).

§1520. Statewide Radio and Network System Reserve Fund

1. Fund established. The Statewide Radio and Network System Reserve Fund, referred to in this section as the "fund," is established as an internal service fund in the Department of Administrative and Financial Services, Office of Information Technology, referred to in this section as the "office," for the purposes of managing the fund and acquiring, expanding, upgrading and replacing a statewide radio and network system for use by state agencies. The office may charge a fee to agencies using the statewide radio and network system in accordance with an established rate structure. Revenues derived from operations must be used to pay the costs of the lease-purchase to acquire a system, expand, upgrade and replace the system, and to manage the fund.

A. The office shall work closely with all departments and agencies to identify radio and network requirements for the statewide system to ensure that agency program requirements are met to the maximum extent possible. The office shall:

- (1) Ensure that the annual costs of the lease or lease-purchase are paid in a timely manner and that the financial affairs of the fund are properly managed;
- (2) Maintain records of radio and network system requirements for all agencies using the system and make this information available to state agencies;
- (3) Require state agencies to become part of the statewide radio and network system when replacing their current systems or purchasing new systems;
- (4) Acquire, expand, upgrade or replace the statewide radio and network system in accordance with an established replacement plan; and
- (5) Transfer radio equipment and network infrastructure into the fund from agencies using the system, purchase, lease, lease-purchase or enter into other financing agreements, in accordance with section 1587, for the acquisition, expansion, upgrade or replacement of the system or any of its components in accordance with paragraph B when it can be demonstrated that any such action or agreement provides a clear cost or program advantage to the State. [PL 2005, c. 12, Pt. SS, §4 (AMD).]

B. The Chief Information Officer, in conjunction with the agencies using the statewide radio and network system, operating as a board that may be referred to as "the Statewide Radio Network Board," shall establish the following:

- (1) Standards for statewide radio and network system operations;
- (2) Specifications for systems and components to be acquired by the State; and
- (3) Standards for the exemption or waiver of state agencies from the requirements of this section.

By January 15, 2002, standards must be developed for statewide radio and network system usage by all state agencies not exempted under subparagraph (3). [PL 2005, c. 634, §3 (AMD).]

C. The office shall establish, through the Department of Administrative and Financial Services, Office of the State Controller, the Statewide Radio and Network System Reserve Fund account. The funds deposited in the account may include, but are not limited to, appropriations made to the account, funds transferred to the account from within the Department of Administrative and Financial Services, funds received from state departments and agencies using the services provided by the office, earnings by the fund from the Treasurer of State's pool and proceeds from the sale of system assets under the administrative control of the fund by the state surplus property program in the Department of Administrative and Financial Services, Bureau of General Services in accordance with paragraph B and other provisions of law. [PL 2005, c. 12, Pt. SS, §4 (AMD).]

D. The fund may levy charges according to a rate schedule recommended by the Chief Information Officer and approved by the Commissioner of Administrative and Financial Services against all departments and agencies using the services of the statewide radio and network system. [PL 2005, c. 12, Pt. SS, §4 (AMD).]

E. Service charges for the statewide radio and network system must be calculated to provide for system acquisition costs, expansion costs, upgrade costs, necessary capital investment and fund management costs, replacement costs and sufficient working capital for the fund. [PL 2001, c. 439, Pt. U, §1 (NEW).]

F. Each department or agency using the services of the statewide radio and network system must budget adequate funds to pay for costs described in paragraph E. [PL 2001, c. 439, Pt. U, §1 (NEW).]

[PL 2007, c. 240, Pt. PP, §1 (AMD).]

SECTION HISTORY

PL 2001, c. 439, §U1 (NEW). RR 2003, c. 2, §2 (COR). PL 2005, c. 12, §SS4 (AMD). PL 2005, c. 634, §3 (AMD). PL 2007, c. 240, Pt. PP, §1 (AMD).

§1521. Application to legislative branch

Unless the language in this Part specifically states that it applies to the legislative branch, the legislative branch may not be required to comply with the provisions of this Part unless determined relevant and applicable by the Legislative Council pursuant to Title 3, section 162. [PL 2005, c. 12, Pt. LL, §2 (NEW).]

SECTION HISTORY

PL 2005, c. 12, §LL2 (NEW).

§1522. Reserve for retirement costs

1. Reserve for retirement benefits established. The State Controller shall, at the close of the fiscal years ending June 30, 2012, June 30, 2013 and June 30, 2014, as the next priority after the transfers authorized pursuant to section 1507 and section 1511, and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, transfer from the available balance in the unappropriated surplus of the General Fund up to \$15,000,000 for the fiscal year ending June 30, 2012, up to \$4,100,000 for the fiscal year ending June 30, 2013 and up to an amount certified by the Chief Executive Officer of the Maine Public Employees Retirement System to the State Controller as the estimated amount needed to fully fund the total cost of the benefit calculated for fiscal year 2014-15 pursuant to Public Law 2011, chapter 380, Part T, section 22 for the fiscal year ending June 30, 2014 to a reserve account within the General Fund established for the purpose of providing the resources to fund retirement payments for retired state employees and teachers.

[PL 2013, c. 1, Pt. E, §1 (AMD); PL 2021, c. 548, §45 (REV).]

2. Transfer of unused balance in reserve account. At the close of the fiscal year ending June 30, 2015, the State Controller shall transfer any balance remaining in the reserve account under subsection 1 to the Maine Budget Stabilization Fund established by section 1532.

[PL 2011, c. 380, Pt. X, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 380, Pt. X, §1 (NEW). PL 2013, c. 1, Pt. E, §1 (AMD). PL 2021, c. 548, §45 (REV).

§1523. Maine Military Reserve Fund

The Maine Military Reserve Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the Department of Administrative and Financial Services. The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund. The State Controller shall disburse funds in accordance with the provisions established for the operation of the Maine Military Authority in Title 37-B, section 393. At the close of any fiscal year, funds remaining in the fund that the State Controller has determined are not needed to support the operation of the Maine Military Authority may be transferred to the Maine Budget Stabilization Fund established under section 1532. The State Controller shall provide quarterly financial reports regarding the fund to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over the Maine Military Authority. [PL 2017, c. 2, Pt. O, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 2, Pt. O, §1 (NEW).

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131st MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council
131st Legislature

From: Suzanne M. Gresser, Executive Director *SMG*

Date: January 5, 2023

Re: Salaries for Constitutional Officers

Once a new Legislature convenes, one of the initial decisions required of the Legislative Council is authorizing the initial salary or salary adjustments for newly elected Constitutional Officers. State law prescribes the salary grade and the initial salary step for each official. Following the initial appointment of the Constitutional Officers, the Legislative Council is authorized to adjust the salary of each official by one step for each year of continuous service. Provided below is the relevant text of the Maine Revised Statutes, Title 3 §162-B, which guides the setting of salaries of the Constitutional Officers.

“Notwithstanding any other provisions of law, the salaries of the following state officials shall be at the salary ranges indicated in this section. At the time of initial appointment, the salary of the Secretary of State and the Treasurer of State shall be set at the Step C of the official’s respective range. At the time of initial appointment, the salaries of the Attorney General and the State Auditor shall be set at Step E of their salary ranges. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.

The salary ranges shall be as provided by law for confidential employees who take the salary increase option instead of state payment of retirement contribution. No other state salary may be paid. These officials are not eligible for state payment of employee retirement contributions.” 3 MRSA §162-B.

At the convening of the 129th Legislature, the officials holding the offices of Attorney General and State Treasurer were initially elected. At the convening of the 130th Legislature, the official holding the office of the Secretary of State was initially elected. At the convening of the 131st Legislature, the officials holding the offices of Attorney General, State Treasurer, and Secretary of State were reelected to office.

- The Attorney General, having been reelected, is eligible for a step increase from Step 8 to Step 9, effective on his anniversary date in January 2023.
- The State Treasurer, having been reelected, is eligible for a step increase from Step 6 to Step 7, effective on his anniversary date in January 2023.
- The Secretary of State, having been reelected, is eligible for a step increase from Step 4 to Step 5, effective on her anniversary date in January 2023.

Note that the Constitutional Officers are considered “confidential employees” of State Government, but are not entitled to State payment of retirement contributions of 6.5%. The Constitutional Officers may, however, participate in the State retirement system, and they are paid a 5% salary premium over the above stated grade and step.



131st MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

MEMO

To: Members of the Legislative Council

From: Suzanne M. Gresser, Executive Director *SMG*

Date: January 5, 2023

Re: Salaries for Secretary of the Senate and the Clerk of the House of Representatives

An initial decision required of the Legislative Council once a new Legislature is convened is the establishment of the initial salary for a newly elected Secretary of the Senate and a newly elected Clerk of the House or authorizing a one-step salary increase for a previously elected Secretary of the Senate and Clerk of the House. Provided below is the relevant text of the Maine Revised Statutes, Title 3 §162-A, which guides the setting of salaries of the Secretary of the Senate and the Clerk of the House:

“Notwithstanding any other provisions of law, the salaries of the following legislative officials are at the salary ranges indicated in this section. Except as provided below, at the time of initial appointment the salary of each of these officials may be set at Step A[Step 1] or Step B[Step 2], but no higher than Step B, of their respective ranges, except that any employees of the office of the Secretary of the Senate or the office of the Clerk of the House of Representatives at the time of initial appointment must have their salary set at a step within their respective salary range so that no loss of gross pay is experienced by those employees. The Legislative Council may adjust the salary of each official by one step for each year of continuous service after the initial appointment to office.

The salary ranges shall be those established by the Legislative Council for Legislative staff. No other state salary may be paid to these officials.

1. Range 14. *The salaries of the following state officials and employees shall be within salary range 14:*

*Secretary of the Senate: and
Clerk of the House of Representatives.*

Since the Secretary of the Senate and the Clerk of the House were previously elected in the 129th and 130th Legislatures, and have been reelected for the 131st Legislature, the Legislative Council may authorize a one-step increase for the Secretary of the Senate and the Clerk of the House from the step to which they were last assigned.



EDWARD A. CHARBONNEAU
REVISOR

MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES
STATE HOUSE STATION 7
AUGUSTA, MAINE 04333-0007
(207) 287-1650
FAX: (207) 287-6468

Date: December 8, 2022

To: Members of the Legislative Council of the 131ST Legislature

From: Edward A. Charbonneau, Revisor

RE: Proposed policy on processing duplicate bill request filings

Beginning in the 116th Legislature, the Joint Rules have contained the following language:

For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests.

The Legislative Council of the 116th Legislature and each subsequent Legislative Council, with the exception of the Legislative Council of the 130th Legislature¹, established a policy directing the Office of the Revisor of Statutes to identify and combine bill requests that appear to be closely related. Although past Legislative Councils recognized that it is impossible to identify all of the closely related bills due to a variety of factors such as the early printing of some bills, variations in indexing, and evolution of specific content as a bill progresses through the drafting process, past Legislative Councils have determined that, in order to facilitate the efficient scheduling and consideration of bills by the joint standing committees, it is beneficial to the legislative process to identify and consolidate similar bills whenever possible.

The identification and consolidation process that has been used in the past when cloture is set in mid-December is as follows:

- Upon filing, each bill request is indexed according to subject matter.

¹ Due to the inability of Legislators to gather for the first few months of the 130th Legislature due to the pandemic, The Legislative Council determined that a duplicate policy was not practicable, so no policy was implemented.

- The bill titles were reviewed after cloture in an attempt to identify bills that were closely related. In assessing whether a request was closely related, the determining factor was whether the proposed solution was sufficiently similar to that proposed by the earlier request. The process to make this assessment normally took about 2 weeks following cloture to review and assess all the requests and most closely related requests were identified prior to the Legislature's return in January.
- The **first filed, first complete** bill was drafted according to the sponsor's instructions and then sent to that sponsor for review. Any changes required by the sponsor were then completed, as permitted under the Joint Rules, and the final draft of that bill was sent to that sponsor and all sponsors of later filed requests that had been identified as closely related requests.
- The sponsor who filed the first complete request was the primary sponsor of the measure.
- The sponsors of closely related requests that were filed after the first filed, first complete request were given the opportunity to sign onto the measure as mandatory cosponsors; the primary sponsor was also allowed to obtain the full complement of cosponsors authorized by Joint Rule 206.
- If a sponsor of a later filed request signed on to the first filed, first complete request as a mandatory cosponsor, that sponsor's request was not produced as a separate request.
- If a sponsor who filed a request that was identified as closely related to an earlier filed request demonstrated that the bill request was not closely related, or declined to sign as a mandatory cosponsor, then that later-filed request was fully drafted according to that sponsor's direction.

When the 124th and 125th Legislatures adopted a cloture deadline of mid-January and early January, respectively, the process was modified slightly in order to allow the printing of some bills in advance of the later cloture deadline. The Legislative Council of both Legislatures directed the Revisor's Office to make reasonable efforts to identify duplicate bills as the office processed them before cloture and to notify sponsors as in the past, setting up primary and mandatory cosponsors. The Councils recognized that by printing bills prior to cloture, a number of potential duplicates would not be identified and combined; however, the Council did not want to suspend the printing of bills until after the cloture date because it would not further the Legislature's goal of expeditious processing and printing of bills.

For the 131st Legislature, due to the cloture deadline at the end of December and to address some of the inefficiencies that have arisen under the prior policy (e.g., drafting and redrafting a bill; sending the final version to the sponsor and the sponsors of closely related requests; and then giving the sponsor or sponsors of

the potential closely-related requests the opportunity to review the bill and agree or decline to be a mandatory cosponsor), I recommend the adoption of the prior policy established by the Legislative Councils of the 124th and 125th Legislatures with the following changes:

- The Revisor's Office will work with the Office of Policy and Legal Analysis and the Office of Fiscal and Program Review in the 2 weeks following cloture to make reasonable efforts to identify closely related bill requests. Once that process is complete, instead of fully drafting the first complete bill request, the Revisor's Office will notify all sponsors of those requests that have been identified as closely related requests of the existence of the other closely related requests and invite those sponsors to work together to produce one bill. Those sponsors will be given 3 business days to accept or decline to work together. If they agree, they must provide the Revisor's Office with sufficient instructions to draft the bill within 5 business days. It is presumed that the sponsor of the first-filed, first-complete request would be the primary sponsor and the other sponsors mandatory cosponsors but sponsorship could be changed upon agreement between the sponsors. If they decline to work together or fail to respond within 3 business days, the first-filed, first-complete request and all the closely related requests will be drafted according to the instructions provided at cloture, as was the practice under the prior policy.
- In order to ensure that there are bills ready when the Legislature returns in January, the Revisor's Office will continue to process bills before and after cloture, including during the period when assessing the existence of closely related bill requests and notifying sponsors of requests filed by other sponsors that are closely related. The bills processed during this time will be sent to sponsors for review and changes and the final versions will be sent to the Clerk and Secretary to be printed. This may result in the release and printing of closely related bills that are not identified as such.

The benefit of this revised policy is a savings in the amount of time it takes to process closely related requests and the ability of sponsors to work together to produce one bill. Like the current policy, however, it most likely will not eliminate the printing of duplicate requests.

I would be happy to answer any questions or provide any additional information.

Thank you.



131st MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Legislative Council Policy on Legislator Attendance

Pursuant to the Maine Revised Statutes, Title 3, section 2, third paragraph, the 131st Legislative Council adopts the following policy regarding excessive unexcused Legislators absences and the means of reducing the offending member's salary.

Recording Attendance

At the beginning of each session of the Senate, the Secretary of the Senate shall record the Senators that are absent each legislative day. Senators that arrive late for a Senate session must notify the Secretary of the Senate directly or indirectly through one of their floor leaders. The President must approve all leave from a Senate session.

At the beginning of each session of the House, the quorum call will be the official record of attendance. Members who miss the quorum call but did attend the session must notify the Clerk of the House. The House shall provide forms to members to request leave for a legislative day.

Reporting Absences

At least on a monthly basis, the Secretary of the Senate and the Clerk of the House shall notify Legislators who have one or more absences without leave.

After a member has accumulated 10 excused absences for the First Regular Session or 6 excused absences for the Second Regular Session, the Clerk or Secretary will report the Member to their respective presiding officer for further review. The presiding officer may refer the matter to the Legislative Council's Personnel Committee for further action.

Reducing Legislator Salaries for Excess Absences without Leave

Members that exceed the statutory threshold of number of absences without leave will have the member's salary reduced using the following graduated reductions.

During the First Regular Session, salaries will be reduced by \$25 for each day above 5 days but less than 11 days, by \$50 per day for each day above 10 days but less than 16 days and \$100 per

day for each day greater than 15 days. Total salary reductions for absences without leave may not exceed the member's salary for the First Regular Session.

During the Second Regular Session, salaries will be reduced by \$25 for each day above 3 days but less than 7 days, by \$50 per day for each day above 6 days but less than 10 days and \$100 per day for each day greater than 9 days. Total salary reductions for absences without leave may not exceed the member's salary for the Second Regular Session.

During either session, if a member is absent without leave for more than 8 consecutive legislative days, the Secretary of the Senate or the Clerk of the House shall inform the Executive Director of the Legislative Council, who shall suspend the member's biweekly salary payments pending the member's return or approval of leave.

A Legislator may appeal salary reductions under this policy to the Personnel Committee of the Legislative Council.

This revised policy is adopted by the Legislative Council and is effective as of the date of amendment.

By: _____
Executive Director of the Legislative Council

Authority: 3 MRSA §2
Adopted: February 14, 2017
Effective Date: February 14, 2017
Amended Date: September 20, 2018
December 6, 2018
December 3, 2020

Legislative Council
Meeting Schedule for 2023

The schedule for Legislative Council meetings for calendar year 2023 is listed below:

Thursday, January 26, 2023
Thursday, February 23, 2023
Thursday, March 23, 2023
Thursday, April 27, 2023
Thursday, May 25, 2023
Thursday, June 22, 2023

Thursday, July 27, 2023
Thursday, August 24, 2023
Thursday, September 28, 2023
Thursday, October 26, 2023
Thursday, November 16, 2023
Thursday, December 21, 2023

All Legislative Council meetings are scheduled for Thursdays, usually the fourth Thursday of each month, in the Legislative Council Chamber, Room 334. Unless otherwise specified in the meeting notices, the meetings begin at **1:30 P.M.**



STATE OF MAINE
HOUSE OF REPRESENTATIVES
CLERK'S OFFICE
2 State House Station
Augusta, Maine 04333-0002

Robert B. Hunt
Clerk of the House

November 28, 2022

The Honorable Troy D. Jackson, Chair
Legislative Council
115 State House Station
Augusta, ME 04333-0115

Dear Mr. Chairman:

The enclosed proposal regarding the Clerk's Office Legislative Document Service is hereby submitted for consideration by the Legislative Council for the First Regular Session of the 131st Legislature.

All items offered through this Service are available on the Legislature's website. We continue to make available the email list service that has simplified access to documents and communications from the Clerk's Office and the House of Representatives, at no cost to the subscriber, through this website <https://lists.legislature.maine.gov/sympa/lists/house>.

I have attached the order form for the upcoming session. Our prices remain the same as they were for the First Regular Session of the 130th Legislature.

Thank you for taking the time to consider this proposal. Please do not hesitate to contact me should you have questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "R. B. Hunt".

Robert B. Hunt
Clerk of the House

CC: Members of the Legislative Council
enc

ORDER FORM FOR LEGISLATIVE DOCUMENT SERVICE
131ST MAINE LEGISLATURE – FIRST REGULAR SESSION
 ALL OF THE DOCUMENTS LISTED BELOW ARE AVAILABLE ONLINE AT
<http://www.legislature.maine.gov/>
 CONVENING DATE – WEDNESDAY, DECEMBER 7, 2022

LEGISLATIVE DOCUMENT (L.D.) (Bills & Resolves)	
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AMENDMENTS
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PUBLIC LAWS, PRIVATE & SPECIAL LAWS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS
<input type="checkbox"/> 5. FIRST CLASS –Mailed Weekly.....\$315.00

WEEKLY LEGISLATIVE CALENDAR
<input type="checkbox"/> 6. FIRST CLASS MAIL (12 months).....\$25.00

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Mail this order form along with full payment to:

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 2 State House Station
 Augusta, Maine 04333-0002
 Attention: Abby Wormell**

Checks should be made payable to Treasurer, State of Maine.

IF YOU HAVE ANY QUESTIONS REGARDING DOCUMENT SERVICE PLEASE CALL ABBY WORMELL AT (207) 287-1400.

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LORING COMMERCE CENTRE

October 31, 2022

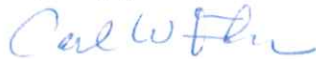
Ms. Suzanne M. Gresser
Executive Director
State of Maine Legislative Council
115 State House Station
Augusta, ME 04333-0115

Dear Ms. Gresser:

Pursuant to “Section 13080-L Annual Report” of the Loring Development Authority of Maine’s (LDA) enabling legislation, please find enclosed a report of the activities of the LDA for the fiscal year ended June 30, 2022. The report includes a summary of the LDA’s development activities and audited financial statements for FY22. Subsequent events through October 15, 2022 and proposed activities for FY23 are also reported.

If you have any questions or need additional information, please don’t hesitate to call.

Very truly yours,



Carl W. Flora
President & CEO

Enclosure

cc: Senator Chip Curry - Chair
Representative Tiffany Roberts - Chair
Committee on Innovation, Development, Economic Advancement and Business

LORING DEVELOPMENT AUTHORITY OF MAINE

2022 ANNUAL REPORT

Report on Activity at Maine's Largest
Industrial - Commercial - Aviation - Business Park



**Paragraph 13080-L
 Fiscal Year 2022 Annual Report
 July 1, 2021 – June 30, 2022**

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Loring Commerce Centre Tenants	

PARAGRAPH 1A: DESCRIPTION OF THE AUTHORITY'S OPERATIONS

Loring Development Authority (LDA) is responsible for the redevelopment of the properties of the state's largest industrial park, Loring Commerce Centre, formerly Loring Air Force Base, in support of new job creation and new economic activity. LDA manages the 3,700-acre business-commercial and industrial park including a 1,600-acre aviation complex; serves as landlord to leasehold businesses and supplies municipal-type services to residents and businesses that collectively employ approximately 750 people and occupy 1 million square feet of space in numerous major buildings. LDA operates a water treatment plant, water distribution system, and a wastewater collection system; maintains and plows 26 miles of roadways; performs grounds maintenance on hundreds of acres of developed and developable property; and through arrangements with the Town of Limestone and others, secures fire, ambulance, and law enforcement services and contracts for wastewater treatment. The LDA works with prospective businesses to develop opportunities to reuse additional facilities and properties, create additional employment and economic activity both at Loring and in the broader region.

Businesses at Loring represent industrial, manufacturing, agriculture, forestry, energy, telecommunications, commercial, back-office, education, recreation, conservation and aviation sectors. A profile of the employers at Loring, included at the end of this report, illustrates the significant level and diversity of economic activity generated by the reuse of facilities at Loring Commerce Centre.

**PARAGRAPH 1B: AUDITED FINANCIAL STATEMENTS FOR
FISCAL YEAR 2022**

The attached Independent Auditor's Report was approved by the Loring Development Authority Board of Trustees on October 19, 2022.

LORING DEVELOPMENT AUTHORITY OF MAINE

FINANCIAL STATEMENTS

JUNE 30, 2022

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LORING DEVELOPMENT AUTHORITY OF MAINE

MANAGEMENT'S DISCUSSION AND ANALYSIS

For the Fiscal Years Ended June 30, 2022 and 2021

UNAUDITED

The management of the Loring Development Authority of Maine (LDA) is providing the following discussion and analysis of the financial activities for the year ended June 30, 2022. The LDA is a component unit of the State of Maine with a mission to create jobs and positive economic growth by redevelopment of approximately 3,700 acres of the former Loring Air Force Base located in Limestone, Maine.

Report Layout

The management's discussion and analysis is intended to make reports more understandable, easier to read, comprehensible and to explain significant changes and financial positions between the current and prior year.

Financial Highlights

- Total net position decreased by \$547,826. Operations decreased net position by \$632,877. Revenues were up due to an increase in state assistance while expenses increased due to increases in contracted services, utilities and uncollectable accounts.
- Total revenues of \$2,701,441 are comprised of 15% from lease revenue, 70% from state assistance, 3% from federal grants, 11% from water and sewer fees and 1% from other LDA operations.
- Due to a challenging economic environment net jobs have declined over the past fiscal year.
- The annual Caretaker grant revenue for the maintenance and operation of essential services and facility maintenance ceased in September 2004. The LDA now relies on lease income, state assistance and other operations to support these operations. The LDA's cost for facility maintenance, operations of water distribution and sewer collection systems, maintenance of a network of roads, parking lots, airfield pavements, together with services for wastewater treatment, fire, police and ambulance protection was approximately \$2.1 million in fiscal year 2022.

Basic Financial Statements

The LDA's financial reports are prepared using proprietary fund (enterprise fund) accounting which is the same basis as private-sector business enterprises and utilizes the accrual basis of accounting. The accrual basis of accounting records income as it is earned and costs as incurred. The basic financial statements include the following:

Statements of Net Position
Statements of Revenues, Expenses and Changes in Net Position
Statements of Cash Flows

LORING DEVELOPMENT AUTHORITY OF MAINE

MANAGEMENT'S DISCUSSION AND ANALYSIS

For the Fiscal Years Ended June 30, 2022 and 2021

UNAUDITED

The Statements of Net Position exhibits the balance of current and capital assets less current liabilities and a net asset balance. As required by GASB 34, the LDA has included the estimated fair market value of net assets (structures, vehicles and equipment, aviation facilities, roads and accessory facilities, special use structures and land) which were given to the LDA at no cost by the United States Air Force. The carrying value of total capital assets for the current year is \$53,077,979 as compared to a capital asset balance of \$54,046,878 for the prior year ending June 30, 2021.

Table 1 provides condensed data of the Statements of Net Position for the fiscal years ended 2022 and 2021.

Table 1

Net Position

	<u>2022</u>	<u>2021</u>
Current assets	\$ 1,110,868	\$ 1,006,904
Net capital assets	53,077,979	54,046,878
Construction in progress	87,535	-
	482,248	687,339
Notes receivable, net of current portion	<u>47,271</u>	<u>50,101</u>
Total Assets	<u>54,805,901</u>	<u>55,791,222</u>
Deferred Outflows of Resources	<u>97,747</u>	<u>8,807</u>
Current Liabilities	2,228,100	2,394,538
Long-term Liabilities	<u>1,135,940</u>	<u>1,098,317</u>
Total Liabilities	3,364,040	3,492,855
Deferred Inflows of Resources	<u>636,416</u>	<u>856,156</u>
Total Net Position	\$ <u>50,903,192</u>	\$ <u>51,451,018</u>

The Statements of Revenues, Expenditures and Changes in Net Position reports the federal and state assistance and operations revenue, less operating costs in order to reflect the change in net position value for the current year in combination with the prior year's net position value to reflect the net position balance as of June 30, 2022.

LORING DEVELOPMENT AUTHORITY OF MAINE

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Fiscal Years Ended June 30, 2022 and 2021

UNAUDITED

Table 2 shows the changes in net position for the fiscal years 2022 and 2021.

Table 2**Changes in Net Position**

	<u>2022</u>	<u>2021</u>
Revenues:		
Program Revenues		
State Assistance	\$ 1,897,547	\$ 665,974
General Revenues		
Lease and Other	<u>698,731</u>	<u>617,260</u>
Total Operating Revenues	<u>2,596,278</u>	<u>1,283,234</u>
Operating Expenses:		
Salaries and Benefits	430,585	432,477
Travel	2,050	1,599
Contracted Services	599,330	569,757
Depreciation	968,899	969,774
Legal and Audit	6,287	6,063
Marketing	514	7,547
Supplies and Expenses	74,338	65,104
Maintenance	116,263	197,458
Utilities	753,682	572,466
Uncollectable Accounts	151,327	-
Interest expense	64,622	68,722
Other General and Administrative	<u>61,258</u>	<u>61,697</u>
Total Operating Expenses	<u>3,229,155</u>	<u>2,952,664</u>
Loss from Operations	<u>(632,877)</u>	<u>(1,669,430)</u>
Other Revenues & Expenses		
Other	<u>85,051</u>	<u>336,753</u>
Change in Net Position	\$ <u>(547,826)</u>	\$ <u>(1,332,677)</u>

The Statements of Cash Flows are included, which discloses net cash provided by, or used in operating activities, noncapital financial activities, and from capital and related financing activities. From these statements, the reader can obtain comparative information on the sources and uses of cash for the reported years.

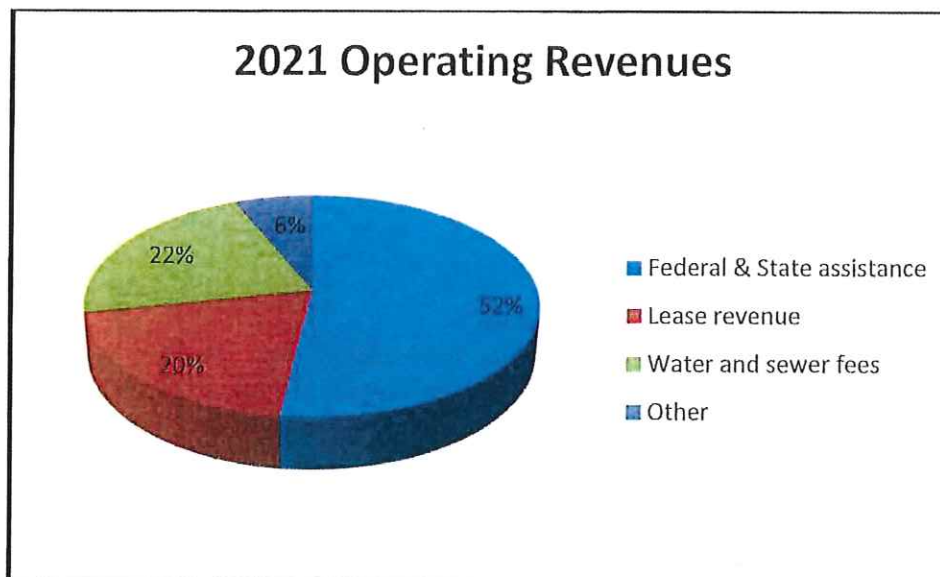
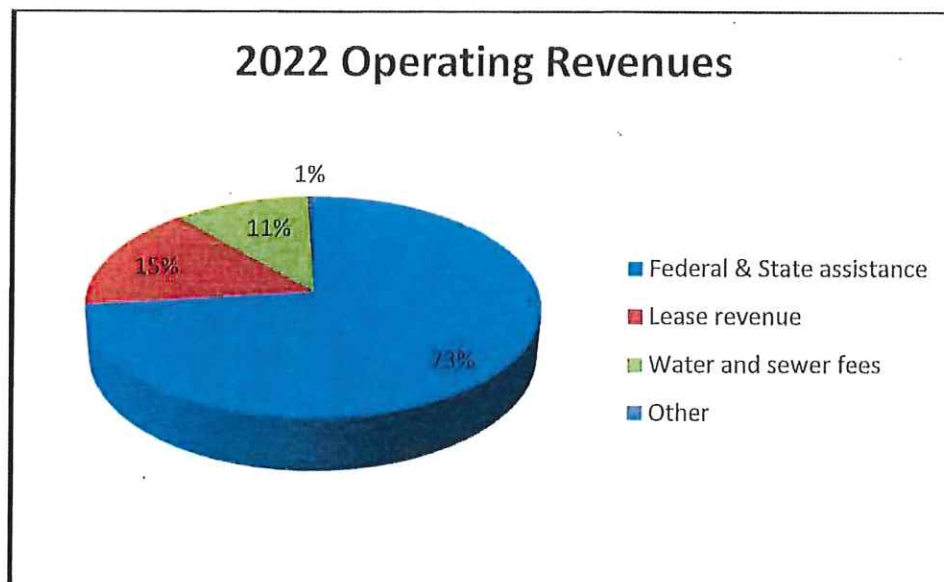
LORING DEVELOPMENT AUTHORITY OF MAINE

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Fiscal Years Ended June 30, 2022 and 2021

UNAUDITED

The Loring Development Authority's Funds

The Loring Development Authority's Funds are accounted for using the accrual basis of accounting. Total revenues and other sources amounted to \$2,701,441 in 2022 and \$1,626,608 in 2021. Operating revenues for the two years as represented in the tables below totaled \$2,596,278 in 2022 and \$1,283,234 in 2021. Federal and state grants and assistance represents 73% and 52% of the LDA's operating revenues for the last two years.

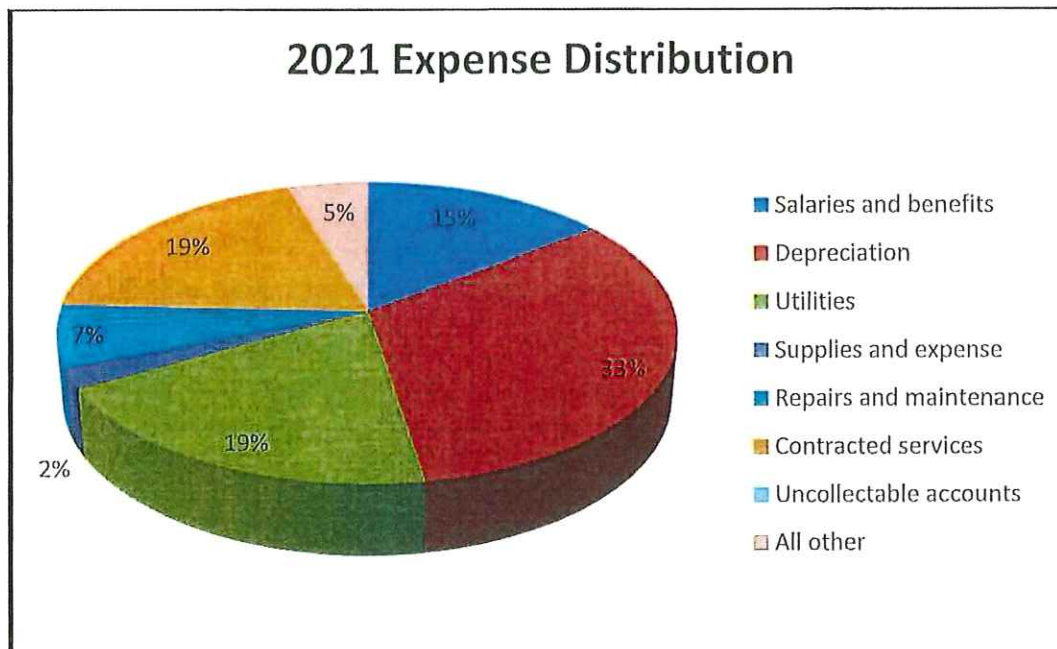
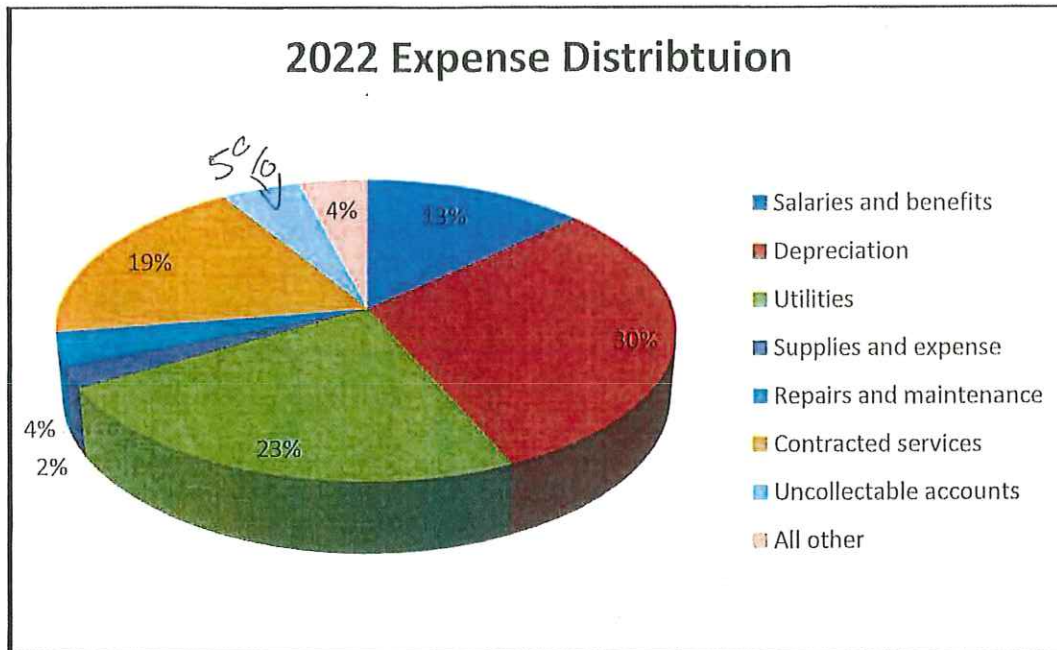


LORING DEVELOPMENT AUTHORITY OF MAINE

MANAGEMENT'S DISCUSSION AND ANALYSIS
For the Fiscal Years Ended June 30, 2022 and 2021

UNAUDITED

Operating expenses amounted to \$3,229,155 in 2022 and \$2,952,664 in 2021. The following charts reflect the expenditures for the fiscal years ended June 30, 2022 and 2021.



LORING DEVELOPMENT AUTHORITY OF MAINE

MANAGEMENT'S DISCUSSION AND ANALYSIS

For the Fiscal Years Ended June 30, 2022 and 2021

UNAUDITED

Capital Assets

At the end of fiscal year 2022, the Loring Development Authority had land, buildings, improvements, structures and facilities of \$70,242,283. A significant portion of these assets were donated to LDA by the U.S. Air Force or purchased. Net of depreciation, these assets were recorded at \$53,077,979. Table 3 shows capital assets, net of accumulated depreciation.

Table 3

**Capital Assets at June 30
(Net of Depreciation)**

	<u>2022</u>	<u>2021</u>
Land	\$ 10,444,599	\$ 10,444,599
Buildings	11,779,978	12,283,915
Equipment and Improvements	5,529,276	5,669,879
Special Use Structures	4,720,885	4,972,340
Aviation Facilities	15,355,143	15,410,879
Roadways and Accessories	3,248,098	3,265,266
Pipeline	<u>2,000,000</u>	<u>2,000,000</u>
Total Net Capital Assets	\$ <u>53,077,979</u>	\$ <u>54,046,878</u>

Budgeting

The LDA provides an annual budget for control and internal purposes only. No legally adopted budget is maintained.

Debt

The Loring Development Authority had an operating Line of Credit debt of \$1,700,000 with \$1,700,000 outstanding as of June 30, 2022.

The LDA entered into a short-term lending agreement in March 2021 with Northern Maine Development Commission, receiving funds in the amount of \$100,000 secured by second and third mortgages on real estate. The balance at June 30, 2022 is \$64,990 and is payable in full by July 15, 2022.

The LDA took on bonded debt of \$454,720 in 2010 for the purpose of upgrading sewer lines. As of June 30, 2022 the balance on this debt is \$170,520.

The LDA entered into a loan agreement with USDA Rural Development in the year ended June 30, 2010. The \$330,000 proceeds from the note were used to pay off the construction line of credit which provided funds for the sewer upgrade project. The balance as of June 30, 2022 is \$276,355.

LORING DEVELOPMENT AUTHORITY OF MAINE

MANAGEMENT'S DISCUSSION AND ANALYSIS

For the Fiscal Years Ended June 30, 2022 and 2021

UNAUDITED

The LDA entered into a lending agreement with Northern Maine Development Commission, receiving funds in the amount of \$200,000 secured by assets. The balance at June 30, 2022 is \$19,447.

The LDA entered into a lending agreement with Northern Maine Development Commission in May 2020, receiving funds in the amount of \$200,000 secured by assets. The balance at June 30, 2022 is \$138,844.

In December 2014 the LDA entered into a mortgage agreement with Katahdin Trust Company, receiving funds in the amount of \$254,000 secured by a real estate. The balance at June 30, 2022 is \$122,513.

In December 2020 the LDA entered into an agreement with the U.S. Small Business Administration, receiving funds in the amount of \$150,000 through the Economic Injury Disaster Loan Program. The balance at June 30, 2022 is \$150,000.

On January 2, 2019 the Authority entered into an agreement with the Maine Military Authority (MMA) by which the Authority received equipment valued at \$207,000. Under the terms of the agreement the Authority can not sell or transfer ownership of the assets for a period of ten (10) years. During the ten (10) year period the Authority is obligated to pay 25% of any lease revenue received for the use of the equipment.

As of June 30, 2022 the equipment is not leased and no payments on the note are anticipated in the current term.

Future Developments

The LDA has developed collaborations with other economic development groups which have proven effective at identifying development prospects and has begun working with private developers who are interested in purchasing real estate. Meanwhile, as development has continued and vacant buildings have been returned to productive uses, fewer facility-maintenance resources will be needed. As listed in the financial highlights, the LDA has also secured resources from the Air Force to upgrade the water treatment plant and water distribution infrastructure and has consolidated wastewater systems with a local sewer treatment district. Over the longer term, LDA's continued development will create more revenue from real estate operations that will be available to invest in repairing, replacing and upgrading infrastructure as well as further development efforts.

COVID-19 has also created additional challenges as potential tenants have paused their expansion plans due to the uncertainty created by the pandemic.

The LDA has an agreement in place to sell real estate for \$7,000,000 with \$3,500,000 due at closing and the remaining amount due in a lump sum 10 years from the date of closing. Closing is expected to occur in October 2022.



Chester M. Kearney
Certified Public Accountants

12 Dyer Street, Presque Isle, Maine 04769-1550
207-764-3171 Fax 207-764-6362

Barbara E. McGuire, CPA, CGMA
Timothy P. Poitras, CPA, CGMA

INDEPENDENT AUDITORS' REPORT

To the Board of Trustees of the
Loring Development Authority of Maine

Adverse and Unmodified Opinions

We have audited the accompanying financial statements of the business-type activities of the Loring Development Authority of Maine, as of and for the years ended June 30, 2022 and 2021, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

Summary of Opinions

<u>Opinion Unit</u>	<u>Type of Opinion</u>
Business-Type Activities	Unmodified
Aggregate Discretely Presented Component Units	Adverse

Adverse Opinion on Aggregate Discretely Presented Component Unit

In our opinion, because of the significance of the matter discussed in the Basis for Adverse and Unmodified Opinions section of our report, the financial statements referred to above do not present fairly the financial position of the Aggregate Discretely Presented Component Unit of the Loring Development Authority of Maine, as of June 30, 2022 and 2021, or the changes in financial position or cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Unmodified Opinion on Business-type Activities

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of the Loring Development Authority of Maine, as of June 30, 2022 and 2021, and the respective changes in financial position, and, where applicable, cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Adverse and Unmodified Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Loring Development Authority of Maine, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our adverse and unmodified audit opinions.

Matter Giving Rise to Adverse Opinion on Aviation Fund on Aggregate Discretely Presented Component Unit

Management has not included the financial data for the Authority's legally separate component unit, Loring Industries, LLC in the financial statements. Accounting principles generally accepted in the United States of America require financial data for those component units to be reported with the financial data of the Authority unless the Authority also issues financial statements for the financial reporting entity that include the financial data for its component units. The Authority has not issued such reporting entity financial statements. The amount by which this departure would affect the assets, deferred outflows of resources, liabilities, deferred inflows of resources, net position, revenues, and expenses of the business-type activities and the omitted major fund has not been determined.

Emphasis of Matter - Substantial Doubt about the Organization's Ability to Continue as a Going Concern

The accompanying financial statements have been prepared assuming that the Organization will continue as a going concern. As discussed in Note 23 to the financial statements, the Organization has suffered recurring significant reductions in revenues, has a net deficiency in net assets, and has stated that substantial doubt exists about its ability to continue as a going concern. Management's evaluation of the events and conditions and management's plans regarding those matters also are described in Note 23. The financial statements do not include any adjustments that might result from the outcome of this uncertainty. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Loring Development Authority of Maine's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Loring Development Authority of Maine's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Loring Development Authority of Maine's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis on pages I through VII and the Schedule of Changes in Net OPEB Liability and Schedule of Employer's Share of OPEB Contributions on Page 25 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated October 18, 2022 on our consideration of Loring Development Authority of Maine's internal control over financial reporting and on our tests of compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Loring Development Authority's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering Loring Development Authority of Maine's internal control over financial reporting and compliance.

Chester M. Kearney

Presque Isle, Maine
October 18, 2022

LORING DEVELOPMENT AUTHORITY OF MAINE

STATEMENTS OF NET POSITION

JUNE 30, 2022 AND 2021

ASSETS

	<u>2022</u>	<u>2021</u>
ASSETS		
CURRENT ASSETS		
Cash and temporary investments (Note 3)	\$ 138,767	\$ 87,681
Due from State of Maine (Note 9)	539,449	100,000
Accounts receivable, net	405,685	511,799
Grants receivable	14,974	-
Current portion of notes receivable	2,830	302,699
Inventory	9,163	4,725
	<u>1,110,868</u>	<u>1,006,904</u>
FIXED ASSETS (Note 13)		
Capital assets	70,242,283	70,242,283
Less accumulated depreciation	<u>(17,164,304)</u>	<u>(16,195,405)</u>
	<u>53,077,979</u>	<u>54,046,878</u>
OTHER ASSETS		
Construction in progress	87,535	-
Leases receivable (Note 6)	482,248	687,339
Notes receivable (Note 12)	47,271	50,101
	<u>617,054</u>	<u>737,440</u>
TOTAL ASSETS	<u>\$ 54,805,901</u>	<u>\$ 55,791,222</u>
DEFERRED OUTFLOWS OF RESOURCES		
Prepaid expense	1,400	1,400
Deferred outflows related to OPEB (Note 21)	96,347	7,407
	<u>\$ 97,747</u>	<u>\$ 8,807</u>
LIABILITIES		
CURRENT LIABILITIES		
Accounts payable	\$ 267,768	\$ 408,027
Accrued expenses	85,788	56,746
Short-term debt (Note 8)	64,990	100,000
Line of credit (Note 8)	1,700,000	1,700,000
Current portion of long-term debt	109,554	129,765
	<u>2,228,100</u>	<u>2,394,538</u>
LONG-TERM DEBT		
Notes Payable (Note 14)	877,679	980,561
Less Current Portion	<u>(109,554)</u>	<u>(129,765)</u>
	768,125	850,796
Due to State of Maine (Note 15)	207,000	207,000
	<u>975,125</u>	<u>1,057,796</u>
OPEB LIABILITY (Note 21)	<u>160,815</u>	<u>40,521</u>
TOTAL LIABILITIES	<u>\$ 3,364,040</u>	<u>\$ 3,492,855</u>
DEFERRED INFLOWS OF RESOURCES		
Grants authorized and unexpended (Note 9)	12,866	21,946
Unearned lease revenue (Note 6 and Note 7)	582,256	787,846
Deferred inflows related to OPEB (Note 21)	28,711	39,953
Prepaid rent	12,583	6,411
	<u>636,416</u>	<u>856,156</u>
TOTAL DEFERRED INFLOWS OF RESOURCES	<u>\$ 636,416</u>	<u>\$ 856,156</u>
NET POSITION		
Invested in capital assets, net of related debt	52,369,679	53,173,666
Unrestricted	<u>(1,466,487)</u>	<u>(1,722,648)</u>
TOTAL NET POSITION	<u>\$ 50,903,192</u>	<u>\$ 51,451,018</u>

See notes to financial statements

LORING DEVELOPMENT AUTHORITY OF MAINE

STATEMENTS OF REVENUES, EXPENDITURES, AND CHANGES IN NET POSITION

YEARS ENDED JUNE 30, 2022 AND 2021

	<u>2022</u>	<u>2021</u>
OPERATING REVENUES		
State assistance (Note 9)	\$ 1,897,547	\$ 665,974
Lease revenue	399,489	254,894
Water and sewer fees	284,370	280,035
Other	14,872	82,331
	<u>2,596,278</u>	<u>1,283,234</u>
OPERATING EXPENSES		
Salaries and benefits	430,585	432,477
Depreciation	968,899	969,774
Utilities	753,682	572,466
Supplies and expense	74,338	65,104
Repairs and maintenance	116,263	197,458
Contracted services	599,330	569,757
Legal and audit	6,287	6,063
Insurance	47,976	47,682
Communications	13,282	14,015
Travel	2,050	1,599
Interest expense and bond bank fees	64,622	68,722
Marketing	514	7,547
Uncollectable accounts	151,327	-
	<u>3,229,155</u>	<u>2,952,664</u>
LOSS FROM OPERATIONS	<u>(632,877)</u>	<u>(1,669,430)</u>
NON-OPERATING REVENUES/(EXPENSES)		
Federal and State assistance for capital projects (Note 9)	102,056	271,792
Gain on sale of surplus property	620	57,968
Loss on asset disposal	-	(6,621)
Interest income	2,487	2,652
OPEB (expense)/ recovery (Note 21)	(20,112)	10,962
	<u>85,051</u>	<u>336,753</u>
CHANGE IN NET POSITION	(547,826)	(1,332,677)
NET POSITION - BEGINNING OF YEAR	<u>51,451,018</u>	<u>52,783,695</u>
NET POSITION - END OF YEAR	<u>\$ 50,903,192</u>	<u>\$ 51,451,018</u>

See notes to financial statements

LORING DEVELOPMENT AUTHORITY OF MAINE

STATEMENTS OF CASH FLOWS

YEARS ENDED JUNE 30, 2022 AND 2021

	<u>2022</u>	<u>2021</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from customers	\$ 795,646	\$ 585,396
Cash received from governmental assistance	1,458,098	569,280
Cash received from other sources	14,872	82,331
Cash paid for salaries and benefits	(401,543)	(451,287)
Cash paid for contract services	(599,330)	(569,757)
Cash paid for goods and services	(1,310,416)	(679,573)
Interest paid	(64,622)	(68,722)
Net cash used in operating activities	<u>(107,295)</u>	<u>(532,332)</u>
CASH FLOWS FROM NON-CAPITAL FINANCING ACTIVITIES		
Net advances on line of credit	-	20,000
Proceeds (Payments) on short-term debt	(35,010)	100,000
Proceeds from long-term debt	-	150,000
Interest received	2,487	2,652
Net cash provided by (used in) non-capital financing activities	<u>(32,523)</u>	<u>272,652</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES		
Payments for capital acquisitions and construction	(87,535)	-
Payments on long-term debt	(102,882)	(407,331)
Payments received on note receivable	302,699	302,575
Proceeds from capital grants	78,002	-
Sale of property	620	132,966
Net cash provided by capital financing activities	<u>190,904</u>	<u>28,210</u>
NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS	51,086	(231,470)
CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR	87,681	319,151
CASH AND CASH EQUIVALENTS AT END OF YEAR	<u>138,767</u>	<u>87,681</u>
RECONCILIATION OF LOSS FROM OPERATIONS TO NET CASH USED IN OPERATING ACTIVITIES		
Loss from operations	(632,877)	(1,669,430)
Adjustments to reconcile loss from operations to net cash used in operating activities		
Depreciation	968,899	969,774
OPEB expense (recovery)	(20,112)	10,962
Changes in assets and liabilities		
Operating accounts receivable, net	106,114	53,096
Operating funds due from other governments	(439,449)	(96,694)
Inventory	(4,438)	4,273
Prepaid expenses	-	12,493
Leases receivable	(482,248)	(687,339)
Accounts payable	(140,259)	215,595
Prepaid rent	6,172	(2,629)
Accrued expenses	29,042	(18,810)
Unearned lease revenue	481,749	687,339
Deferred outflows related to OPEB	(88,940)	2,122
OPEB Liability	120,294	5,524
Deferred inflows related to OPEB	(11,242)	(18,608)
	<u>525,582</u>	<u>1,137,098</u>
Net cash provided used in operating activities	<u>\$ (107,295)</u>	<u>\$ (532,332)</u>

See notes to financial statements

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS

(1) HISTORY OF THE ORGANIZATION

On July 12, 1991, the President of the United States accepted the recommendation of the Base Closure and Realignment Commission to close Loring Air Force Base (Loring) located in the Town of Limestone, Maine, Town of Caswell, Maine, and the City of Caribou, Maine, as well as nine off-site locations used for housing, communications and water distribution. The effective date of closure was September 30, 1994. The Loring base property, which excludes any off-site locations, consists of approximately 8,700 acres of land, 3.1 million square feet of existing facility space and an aviation complex, which includes a 12,100 foot runway, related aviation facilities and operating systems.

On July 13, 1993, the Maine State Legislature enacted Public Law Chapter 474, establishing the Loring Development Authority of Maine (LDA), a public municipal corporation. The LDA is entrusted with investigating the acquisition of the properties within the geographical boundaries of Loring, and the subsequent redevelopment and management of property so acquired.

On April 4, 1997, the United States Air Force transferred approximately 3,700 acres of land, associated facilities, infrastructure and personal property to the LDA via the execution of Economic Development Conveyance (EDC) and Lease in Furtherance of Conveyance documents. This EDC document, which is a mechanism used by the Federal government to transfer former military installations to local reuse authorities for job creation and economic development purposes, transferred control of the Loring property to the LDA through a no-cost, 55-year lease, with commitments from the Air Force to transfer title to the property upon receiving environmental clearance from the Environmental Protection Agency. The conveyance documents also include a provision that provided the LDA with an average of \$2.7 million annually through September 30, 2004 to fund its municipal type functions including, but not limited to, fire and emergency services, police protection, water and waste water systems, as well as protection and maintenance of buildings, grounds and roadways. This funding expired September 30, 2004. The lease given to the LDA in 1997 was superseded in 2001 with a Quit Claim deed conveying 2,805 of the original 3,700 acres in fee title and in 2004 when the remainder of the property was conveyed by deed. The LDA also acquired a 185 mile pipeline in 2005 and a 142,000 square-foot building used by the Defense Finance and Accounting Service, subject to a leaseback arrangement.

Consistent with the LDA's enabling legislation, as amended, the Board of Trustees is comprised of thirteen (13) voting members, each of whom are nominated by the Governor of the State of Maine and confirmed by the Maine Senate. Of the thirteen (13), one is a commissioner of a department of state government, designated by the Governor to serve on the LDA Board. No less than seven of the Board of Trustees must be residents of Aroostook County and be nominated by one of the primary impacted communities, as defined in the enabling legislation. In addition, no less than four of the Board of Trustees must live outside of Aroostook County. The enabling legislation also imposes term limits on the Trustees of two consecutive four-year terms. The Board of Trustees have elected a Chair, Vice-Chair, Secretary and Treasurer to serve terms of one year. The fiscal year for the LDA runs from July 1 through June 30. The financial information of the LDA is reported as a component unit as part of the financial statements of the State of Maine.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of presentation

The LDA prepares its financial statements on the accrual basis of accounting. Under the accrual basis of accounting, revenue is recognized when earned and measurable and expenses are recognized when incurred and measurable.

The LDA is comprised of business-type activities only. As prescribed by Section Sp20 of GASB's Codification of Governmental Accounting and Financial Reporting Standards, *Special Purpose Governments*, only the financial statements required for enterprise funds are presented.

Measurement focus

Proprietary funds are accounted for on a flow of economic resources measurement focus. All assets and liabilities associated with the operation of these funds are included on the Statements of Net Position. The Statements of Revenues, Expenditures, and Changes in Net Position presents the increases (i.e. revenues) and decreases (i.e. expenses) in net total assets. The Statements of Cash Flows provides information about how the Authority finances and meets the cash flow needs of its proprietary activities.

Use of estimates

Management uses estimates and assumptions in preparing financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could differ from those estimates.

Budgetary information

GASB #34 requires that budgetary comparison schedules be presented only for the general fund and each major special revenue fund that has a legally adopted annual budget. The LDA currently does not legally adopt an annual budget and therefore has not presented one in these financial statements.

Cash and cash equivalents

The LDA has defined cash and cash equivalents to include cash on hand, demand deposits and cash with fiscal agents. Currently, the LDA treats all their cash as a cash equivalent because they can deposit or withdraw cash at any time without prior notice or penalty.

Defining operating revenues and expenses

The LDA's proprietary funds distinguish between operating and non-operating revenues and expenses. Operating revenues and expenses of the LDA consist of federal and state assistance for non-capital transactions as well as revenue derived from rental activities and the costs of providing rental property, including depreciation and excluding interest costs. All other revenues and expenses are reported as non-operating.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(2) SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (cont'd.)

Deferred Outflows of Resources

The LDA reports decreases in net assets that relate to future periods as deferred outflows of resources in a separate section of its statement of net position. Deferred outflows of resources as of June 30, 2022 consist of prepaid utility expenses and items relating to other post-employment benefits.

Deferred Inflows of Resources

The LDA reports a separate section for deferred inflows of resources. This separate financial statement element reflects an increase in net assets that applies to future periods. The LDA will not recognize the related revenues until a future event occurs. The LDA's deferred inflows of resources are detailed in Note #6, Note #7, Note #9 and Note #21.

New Accounting Policies

The Authority has adopted the provisions of Statement No. 87 of the Governmental Accounting Standards Board (GASB) Accounting Board – Leases. GASB 87 expands required reporting of long-term lease commitments. The standard was applied retroactively to prior financial statements. Adoption of this standard does not impact previously reported net position.

(3) CASH AND TEMPORARY INVESTMENTS

Deposits with financial institutions are subject to custodial credit risk. Custodial credit risk is the risk that in the event of a bank failure, the Authority's deposits may not be returned to it. The Authority's investment policy is to invest in regional banks and federal securities and to insure the funds to as great a degree as possible. The Authority's checking deposits at year-end were covered by Federal Depository Insurance Corporation (FDIC) or collateralized by U.S. Governmental Agency securities held in the Authority's name.

The Authority's cash balances in the financial statements are \$138,767 and \$87,681 as of June 30, 2022 and 2021, respectively.

The Authority's cash is categorized to give an indication of the level of risk assumed by the Authority at year-end. These categories are defined as follows:

- Category #1 – Insured or collateralized with securities held by the Authority or by its agency in the Authority's name.
- Category #2 – Collateralized with securities held by the pledging financial institution's trust department or agent in the Authority's name.
- Category #3 – Uncollateralized, which includes any bank balance that is collateralized with securities held by the pledging financial institution or by its trust department or agent but not in the Authority's name.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(3) CASH AND TEMPORARY INVESTMENTS (cont'd.)

As of June 30, 2022 and 2021 the Authority's entire cash and temporary investment balances are classified as Category 1.

(4) COMPENSATED ABSENCES

Authority employees are granted vacation and sick leave in varying amounts. Upon termination, an employee is paid the full amount of accumulated vacation days not taken. Sick leave is not payable upon termination.

The Authority's financial liability for accrued vacations at June 30, 2022 and 2021 is \$23,158 and \$23,951, respectively.

(5) PENSION PLAN

The Authority has instituted a Model Simplified Employee Pension Plan for all eligible Authority employees in accordance with Section 408(K) of the Internal Revenue Code. All Authority contributions to the employee's individual retirement account are 100% vested to the employee on the date of the contribution. Employee contributions to the plan are discretionary, subject to Internal Revenue Code limitations. Accrued contributions to the plan, at 5% of regular gross wages, totaled \$17,173 and \$17,017 for the years ended June 30, 2022 and 2021.

(6) RENTAL OF FACILITIES

The Authority has leased land and buildings at Loring to various third parties under non-cancellable operating leases requiring fixed payments through 2026. The leases provide for varying terms and conditions.

As of June 30, 2022, the future minimum lease payments, discounted at a rate of 3.5%, for the next 5 years are as follows:

<u>Fiscal year ending June 30:</u>	<u>Amount</u>
2022	259,622
2023	73,384
2024	66,779
2025	67,189
2026	<u>15,274</u>
	<u>\$482,248</u>

The discounted lease receivable amount has also been recorded as a deferred inflow of resources as of June 30, 2022.

(7) DEFERRED INFLOWS OF RESOURCES

The Authority received advances of rent and other receipts, which have been characterized as deferred inflows in the accompanying Statement of Net Position.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(7) DEFERRED INFLOWS OF RESOURCES (cont'd.)

As of June 30, 2022 and 2021 the amount included as deferred inflows was \$100,008 and \$100,508, respectively. The balance as of June 30, 2021 consisted of a \$100,000 partial payment of a fee for an exclusive negotiation period received from CSJ Green Eco-Energy development company, a \$500 due diligence fee with Synergen Solar and the remaining \$8 is an advance on a property insurance claim. \$500 was recognized as revenue in 2022, the remaining amounts are expected to be recognized as revenue in 2023.

The Authority records a deferred inflow of resources related to OPEB obligations; this amount is further detailed in Note 21.

(8) LINE OF CREDIT AND SHORT-TERM DEBT

The Authority has a variable rate operating line of credit with Machias Savings Bank with interest payable at 70% of "Wall Street Prime", currently 3.325%, with a maximum limit of \$1,500,000. On March 23, 2020 the limit of the line of credit was extended to \$1,700,000 for a 2-month period, automatically reverting to \$1,500,000 on July 31, 2020. On January 18, 2022 the line was again modified and extended with a maximum limit of \$1,700,000. As of June 30, 2022, the line of credit balance was \$1,700,000, leaving \$0 available for use. The line is secured by the Authority's accounts and notes receivable, with mortgages on buildings 8700, 8702 and 7230 and other general intangibles.

On March 12, 2021 the Authority was advanced \$100,000 from Northern Maine Development Commission to be used as working capital. The balance was due in full on or before September 12, 2021 including interest accrued at 4% per annum. On June 13, 2022 the parties signed a modification agreement which extended the maturity date to July 15, 2022.

(9) PUBLIC SECTOR FUNDING

The LDA is currently funded through the following public sources:

(A) State of Maine:

Tax Increment Financing – On July 5, 1996, the State Legislature enacted LD 1741 establishing the Loring Job Increment Financing Fund (Fund). The Fund, which has a term of thirty years, was created to establish a supplemental source of funding to subsidize future municipal service costs. This Fund will receive state income tax withholding revenues which can be attributed to incremental jobs created at Loring and will be based upon 50% of the State income tax withholding from these incremental jobs. State contributions to the Fund will be made on an annual basis and are payable by July 31 of each year. The LDA has realized revenues of \$539,449 and \$515,974 for the years ending June 30, 2022 and 2021, respectively.

Department of Transportation (DOT) – The state of Maine DOT awarded the Authority a grant of \$1,000,000 for airport facility renovations. \$0 was spent in the year ended June 30, 2022 and 2021. \$7,825 of the balance was unexpended as of June 30, 2022 and is recorded as grants authorized and unexpended.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(10) PUBLIC SECTOR FUNDING (cont'd.)

(B) The United States Department of Defense – In 2009 the United States Air Force Real Property Agency made payment of \$1,500,000 to the Authority under an agreement relating to the Air Force's obligation to provide an alternative source of supply for Loring's drinking water. In 2015, upon recognizing that the initial funding was insufficient to complete the project and comply with the Safe Drinking Water Act an additional \$300,000 was approved and advanced. For the year ended June 30, 2022 the Authority expended \$9,080 of these funds on the water system while \$5,041 remains to be spent and is recorded as grants authorized and unexpended.

(11) CONCENTRATION OF RISK

Federal and State funding

The LDA received approximately 70% of its operating revenue from state funding for the year ended June 30, 2022. The ability to continue its operations is dependent on continued funding.

Accounts receivable

For the year ended June 30, 2022, approximately 49% of the Authority's accounts receivable was due from 1 customer. \$455,635 (100%) of this amount has been reserved as a doubtful account.

(12) ALLOWANCE FOR DOUBTFUL ACCOUNTS

Accounts receivable are shown on the Statements of Net Position net of the allowance for doubtful accounts. The allowance for doubtful accounts was \$555,635 and \$455,635 for the years ended June 30, 2022 and 2021, respectively.

(13) NOTES RECEIVABLE

British Cycle Supply Company

On July 22, 2015 the Authority sold a building to the British Cycle Supply Company and received a promissory note in the amount of \$66,400. The note is payable to the Authority in monthly installments of \$429 including interest at 4.75% through July 2035 the original note contained a final balloon payment in the amount of \$55,595 due July 2020 which the borrower was unable to pay so the parties have agreed to extend the note term. The note is secured by the building. The note balance as of June 30, 2022 and 2021 is \$50,101 and \$52,800 respectively.

Penobscot Natural Gas

On September 24, 2010, pursuant to an amendment a sale/lease agreement with Loring Bio-energy, LLC (LBE), LDA transferred assets, including the former heat plant building and real estate, to and leased a pipeline extending from Loring to Searsport, Maine in exchange for a 0% interest note in the amount of \$3,000,000. The note is payable in 10 annual installments of \$300,000 with the first installment due and payable within 30 days after the buyer commences "substantial commercial activity" or June 30, 2013, whichever comes first.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(13) NOTES RECEIVABLE (cont'd.)

In June 2012, LBE's secured creditor put the property, including the lease rights for the pipeline, up for bid at auction with Penobscot Natural Gas (PNG) being the successful bidder. PNG completed the acquisition of the foreclosed rights from LBE's lender, and negotiated an "Assumption Agreement" with the LDA. The Assumption Agreement, signed June 11, 2013, contains PNG's commitment to honor all future obligations under the LBE agreements, and also contains LDA's acknowledgement that PNG had cured existing LBE defaults and that PNG qualifies as a "permitted transferee" as defined in the LBE documents.

(14) CAPITAL ASSETS

With the exception of the assets acquired from the United States Air Force, (see below) all capital assets are stated at cost (or estimated historical cost) and updated for additions and retirements during the year. Assets acquired with grants are also stated at cost. The Authority maintains a capitalization threshold of \$5,000. Improvements are capitalized; the cost of normal maintenance and repairs that do not add value to the asset or materially extend asset lives are not capitalized. Assets such as land and some land improvements are considered inexhaustible and are not being depreciated. Capital assets not in use are also not being depreciated.

Capital assets are depreciated using the straight-line method over the following useful lives:

<u>Description</u>	<u>Estimated lives</u>
Buildings and improvements	15-50 years
Equipment	3-5 years
Vehicles	3-5 years

On June 30, 2017 the Authority adjusted the values of buildings that were contributed by the United States Air Force to reflect revised estimates of the buildings' potential future use and value to the Authority. The adjustment reduced the original value by \$7,482,924. The total accumulated depreciation on these buildings was \$2,234,222 resulting in a recognized write down in the amount of \$5,248,702. In June 2019 an additional \$37,208 was written off.

Capital asset activity for the year ended June 30, 2022 was as follows:

CAPITAL ASSETS ACQUIRED BY LDA (HISTORICAL COST)

	Beginning Balance	Additions	Retirements	Ending Balance
<u>Capital Assets</u>				
Land	10,000			10,000
Equipment and improvements	<u>11,831,612</u>			<u>11,831,612</u>
Total at historical cost	<u>11,841,612</u>			<u>11,841,612</u>
<u>Less Accumulated Depreciation</u>				
Equipment and improvements	<u>4,288,642</u>	<u>464,962</u>		<u>4,753,604</u>
Total Accumulated Depreciation	<u>4,288,642</u>	<u>464,962</u>		<u>4,753,604</u>
Capital assets at historical cost, net	<u>7,552,970</u>	<u>(464,962)</u>		<u>7,088,008</u>

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(13) CAPITAL ASSETS (cont'd.)

CAPITAL ASSETS ACQUIRED FROM U. S. AIR FORCE

<u>Capital Assets</u>	Beginning Balance	Additions	Retirements	Ending Balance
Land	<u>10,434,599</u>			<u>10,434,599</u>
Buildings				
In use	4,747,037			4,747,037
Leased	15,185,894			15,185,894
Not in use	<u>1,666,025</u>			<u>1,666,025</u>
	<u>21,598,956</u>			<u>21,598,956</u>
Equipment				
In use	102,500			102,500
Not in use	<u>89,000</u>			<u>89,000</u>
	<u>191,500</u>			<u>191,500</u>
Special use structures				
Water plant and distribution	<u>5,080,033</u>			<u>5,080,033</u>
Other facilities and improvements				
Aviation facilities				
Runways	9,472,226			9,472,226
Structures	6,105,861			6,105,861
Fuel pipeline	<u>2,000,000</u>			<u>2,000,000</u>
	<u>17,578,087</u>			<u>17,578,087</u>
Roadways and accessories	<u>3,517,496</u>			<u>3,517,496</u>
Capital assets from U.S. Air Force	<u>58,400,671</u>			<u>58,400,671</u>

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(14) CAPITAL ASSETS (cont'd.)

	Beginning Balance	Additions	Retirements	Ending Balance
<u>Less Accumulated Depreciation</u>				
Buildings				
In use	2,395,687	94,602		2,490,289
Leased	<u>6,919,353</u>	<u>307,734</u>		<u>7,227,087</u>
	<u>9,315,040</u>	<u>402,336</u>		<u>9,717,376</u>
Equipment				
In use	<u>102,500</u>			<u>102,500</u>
Special use structures				
Water plant and distribution	<u>2,489,223</u>	<u>101,601</u>		<u>2,590,824</u>
Total Accumulated Depreciation	<u>11,906,763</u>	<u>503,937</u>		<u>12,410,700</u>
Capital assets acquired from U. S. Air Force, net	<u>46,493,908</u>	<u>(503,937)</u>		<u>45,989,971</u>
TOTAL CAPITAL ASSETS				
Capital assets	70,242,283			70,242,283
Less Accumulated Depreciation	<u>(16,195,405)</u>	<u>(968,899)</u>		<u>(17,164,304)</u>
	<u>54,046,878</u>	<u>(968,899)</u>		<u>53,077,979</u>

On April 4, 1997 the Authority received 3,700 acres of land, associated facilities, and personal property from the United States Air Force via a 55-year no cost lease. In accordance with generally accepted accounting principles all assets associated with this lease were capitalized at estimated fair market value. The Authority has since obtained this property in fee title.

During fiscal year 2005 the United States Air Force transferred to the Authority additional property consisting of a fuel pipeline and associated rights of way extending from Searsport, Maine to Limestone, Maine. The pipeline was not in service as of June 30, 2010 and the pipeline and associated easement rights were leased during the year ended June 30, 2011.

During fiscal year 2005 the United States Air Force transferred title to a building currently occupied by federal employees to the Authority. Transfer of the deed for this property was contingent upon the Authority's promise to lease the property back to the United States at no cost. The 50-year lease may be renewed, extended, or terminated by the United States at its option but the Authority is given no option to decline an extension or renewal or to terminate the lease. The United States Government may use this property for any government purpose and is not required to pay any taxes, assessments or similar charges. However, the United States Government is responsible for all costs and liabilities associated with the property as if it were the owner. Accordingly, this property is not included as a capital asset on these financial statements.

Management feels that the value of these assets could fluctuate significantly in the event that the operational status of the Authority changes.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(15) LONG-TERM DEBT

As of June 30 long-term debt consisted of:

	<u>2022</u>	<u>2021</u>
Note payable to Northern Maine Development Commission, payable in monthly installments of \$1,506 including interest at 3% per annum, matures May 2023; secured by assets of the Authority.	19,447	32,219
Note payable to Northern Maine Development Commission, payable in monthly installments of \$3,857 including interest at 6% per annum, matures June 2025; secured by assets of the Authority.	138,844	164,350
Note payable to USDA Rural Development, payable in annual installments of \$14,860 including interest at 3.25% per annum, matures August 2050; secured by assets of the Authority	276,355	282,221
Note payable to US Small Business Administration, obtained through the EIDL program, payable in monthly installments of \$643 including interest at 2.75% per annum beginning June 2023, matures December 2050; unsecured	150,000	150,000
Note payable to Katahdin Trust Company, payable in monthly installments of \$2,488 including interest at 6.5% per annum, matures December 2026; secured by real estate.	122,513	135,779
Bond payable to the Maine Municipal Bond Bank, payable in semi-annual installments of \$11,368 plus bond bank fees of \$569 per installment, matures October 2029. Interest rate is 0%.	<u>170,520</u>	<u>215,992</u>
	877,679	980,561
Less current portion	<u>(109,554)</u>	<u>(129,765)</u>
	<u>768,125</u>	<u>850,796</u>

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(15) LONG-TERM DEBT (cont'd.)

Future long-term debt obligations are as follows for the year ended June 30, 2022:

	<u>PRINCIPAL</u>	<u>INTEREST</u>	<u>TOTAL</u>
6/30/2023	109,554	24,107	133,661
6/30/2024	114,606	20,164	134,770
6/30/2025	103,444	16,219	119,663
6/30/2026	59,122	13,339	72,461
6/30/2027	58,080	12,044	70,124
2028-32	115,308	54,383	169,691
2033-37	68,040	44,811	112,851
2038-42	79,188	33,663	112,851
2043-47	92,173	20,678	112,851
2048-52	<u>78,164</u>	<u>20,704</u>	<u>98,868</u>
Total	<u>877,679</u>	<u>260,112</u>	<u>1,137,791</u>

Long-term debt activity for the year ended June 30, 2022 is as follows:

	<u>Beginning Balance</u>	<u>Advances</u>	<u>Payments</u>	<u>Ending Balance</u>
Long-Term Debt				
Note payable –NMDC	32,219		12,772	19,447
Note payable – NMDC	164,350		25,506	138,844
Note payable-USDA	282,221		5,866	276,355
Note payable – US SBA	150,000			150,000
Note payable-Katahdin Trust Company	135,779		13,266	122,513
Bond payable – MMBB	<u>215,992</u>		<u>45,472</u>	<u>170,520</u>
	<u>980,561</u>		<u>102,882</u>	<u>877,679</u>
Other Long-Term Obligations				
OPEB liabilities	<u>40,521</u>	<u>120,294</u>		<u>160,815</u>

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(16) DUE TO STATE OF MAINE

On January 2, 2019 the Authority entered into an agreement with the Maine Military Authority (MMA) by which the Authority received equipment valued at \$207,000. Under the terms of the agreement the Authority cannot sell or transfer ownership of the assets for a period of ten (10) years. During the ten (10) year period the Authority is obligated to pay 25% of any lease revenue received for the use of the equipment. As of June 30, 2022 the equipment is not leased and no payments on the note are anticipated in the current term.

(17) SUBSEQUENT EVENTS

Management has evaluated subsequent events occurring through October 18, 2022, the date the financial statements were available to be issued.

(18) FAIR VALUE OF FINANCIAL INSTRUMENTS

The Authority has a number of financial instruments, none of which are held for trading purposes. The Authority categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

The Authority estimates that the fair value of all financial instruments at June 30, 2022, does not differ materially from the aggregate carrying values of its financial instruments recorded in the accompanying Statement of Net Position. The estimated fair value amounts have been determined by the Authority using available market information and appropriate valuation methodologies. Considerable judgment is necessarily required in interpreting market data to develop the estimates of fair value, and, accordingly, the estimates are not necessarily indicative of the amounts that the Authority could realize in a current market exchange.

(19) TAXES

As a governmental entity, the Authority is not subject to Federal and State income taxes, accordingly, it is not necessary to consider the effects of any uncertain tax positions.

The Authority is subject to Federal and State payroll tax and is required to file the appropriate tax returns. Management believes that all required returns have been properly filed as of June 30, 2022. No examinations have been conducted by the Federal or State taxing authorities and no correspondence has been received from these authorities.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(19) SUMMARY OF ACTIVITIES

<u>Function</u>	<u>Expenses</u>	<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	<u>Total</u>
General operations	<u>(3,249,267)</u>	<u>683,859</u>	<u>-</u>	<u>102,056</u>	<u>(2,463,352)</u>
General revenues:					
State appropriations					1,358,098
Loring Job Incremental Financing					539,449
Interest income					2,487
Sale of surplus property					620
Other income					<u>14,872</u>
Total general revenues					<u>1,915,526</u>
Change in net position					(547,826)
Net position - July 1, 2021					<u>51,451,018</u>
Net position - June 30, 2022					<u>50,903,192</u>

(20) SUMMARY OF NON-CASH INVESTING AND FINANCING ACTIVITIES

Non-cash investing and financing activities are as follows:

	<u>2022</u>	<u>2021</u>
None	-	-

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(21) OPEB OBLIGATIONS

Plan Description

The Authority provides health insurance to its employees through Maine Municipal Employees Health Trust (MMEHT). The Authority does not provide postemployment or postretirement healthcare benefits but is subject to an implicit benefit for its members in MMEHT.

Accounting Policies

The impact of experience gains and losses and assumption changes on the Total OPEB Liability (TOL) are recognized in the OPEB expense over the average expected remaining service life of all active and inactive members of the plan. As of the beginning of the measurement period this average was 4 years.

The table below summarizes the current balances of deferred outflows of resources and deferred inflows of resources along with the recognition over the next 5 years, and thereafter:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Difference between expected and actual experience	\$ 71,882	\$ 28,711
Payments subsequent to the measurement date	3,183	
Difference between projected and actual earnings on OPEB plan investments		
Changes of assumptions	<u>21,282</u>	
	<u>\$ 96,347</u>	<u>\$ 28,711</u>

Amounts reported as deferred outflows and deferred inflows of resources will be recognized as OPEB expense as follows:

Year ended June 30:

2023	25,535
2024	21,352
2025	21,352
2026	397
2027	0
Thereafter	0

As of January 1, 2022, the plan membership data is comprised of 2 active members with only an implicit benefit.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(21) OPEB OBLIGATIONS (cont'd.)

Key Assumptions

Measurement Date:	January 1, 2022
Discount Rate:	2.06% per annum for year-end 2021/22 reporting 2.12% per annum for year-end 2020/21 reporting
Trend Assumptions:	Pre-Medicare Medical – Initial trend of 8.2% applied in FYE 2018 grading over 14 years to 4% per annum Pre-Medicare Drug – Initial trend of 9.6% applied in FYE 2018 grading over 14 years to 4% per annum Medicare Medical – Initial trend of 4.93% applied in FYE 2018 grading over 14 years to 4% per annum Medicare Drug – Initial trend of 9.6% applied in FYE 2018 grading over 14 years to 4% per annum
Administrative and Claims Expense:	3% per annum

Future Plan Changes

It is assumed that the current plan and cost-sharing structure remains in place for all future years.

Demographic Assumptions

Retiree continuation:	Retirees who are current Medicare participants: 100% Retirees who are Pre-Medicare, active participants: 75% Spouses who are Pre-Medicare, active participants: 50%
Rate of mortality:	Based on 104% and 120 % of the RP-2014 Total Dataset Healthy Annuitant Mortality Table, respectively, for males and females, using the RP-2014 Total Dataset Employee Mortality Table for ages prior to start of the Healthy Annuitant Mortality Table, both project from the 2006 base rates using RPEC-2015 model, with an ultimate rate of 85% for ages 20-85 grading down to an ultimate rate of 0% for ages 111-120 and convergence to the ultimate rate in the year 2020.
Marriage assumptions:	A husband is assumed to be 3 years older than his wife
Assumed rate of retirement:	For employees hired prior to July 1, 2014 Age 55-63 – 5% Age 64-69 – 20% Age 70 + - 100% For employees hired after July 1, 2014 Age 55-58 – 5% Age 59-64 – 20% Age 65-69 – 25% Age 70 + - 100%
Salary increases:	2.75% per year
Changes in assumptions:	Funding method was changed from Projected Unit Credit funding to Entry Age Normal funding method.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(21) OPEB OBLIGATIONS (cont'd.)

Discount Rate

The discount rate used to measure the OPEB liability was 2.06% based on a measurement date of January 1, 2022. This rate is assumed to be an index rate for 20-year, tax exempt general obligation municipal bonds with an average rating of AA/Aa or higher, for pay as you go plans.

The following table shows how the net OPEB liability (NOL) as of June 30, 2022 would change if the discount rate used was one percentage point lower or one percentage point higher than the current rate. The current rate is 2.06%.

1% Decrease	Current Discount Rate	1% Increase
1.06%	2.06%	3.06%
\$183,906	\$160,815	\$141,597

A 1% decrease in the healthcare trend rate increases the NOL by approximately 14.4% while a 1% increase in the healthcare trend rate decreases the TOL by approximately 12.0%.

Changes in the healthcare trend affect the measurement of the TOL. Lower healthcare trend rates produce a lower TOL and higher healthcare trend rates produce a higher TOL. The table below shows the sensitivity of the TOL to the healthcare trend rate.

1% Decrease	Healthcare Trend Rates	1% Increase
\$141,918	\$160,815	\$183,142

A 1% decrease in the healthcare trend rate decreases the TOL by approximately 11.8% while a 1% increase in the healthcare trend rate increases the TOL by approximately 13.9%.

(22) COVID-19

The COVID-19 outbreak in the United States has caused business disruption through mandated and voluntary closings of multiple businesses. The disruptions have caused several potential tenants to delay their leases. At this time management cannot reasonably estimate the overall financial impact of the pandemic on its operations.

The LDA is working to compensate for the loss of state funding. The Authority is working with the legislature to restore funding, however, due to COVID-19 disruptions it is unknown if or when the funding will be restored. The LDA is seeking loans and grants that have been made available due to COVID-19.

LORING DEVELOPMENT AUTHORITY OF MAINE

NOTES TO FINANCIAL STATEMENTS (cont'd.)

(23) CONTINGENCIES

Going Concern

As indicated in the accompanying statement of net position, as of June 30, 2022, the Authority has deficit unrestricted net position totaling \$1,466,487. The deficit amounts to more than a year of operating revenue. The deficit is principally the result of declining revenues from the State of Maine and from leasing. Due to the reductions in revenue the Authority has relied on short and long-term financing to sustain operations.

These factors, as well as the uncertain conditions that the Authority faces regarding future revenues, create a substantial doubt about the Authority's ability to continue as a going concern. Management of the Authority is developing a plan to reduce its liabilities through sales of assets and obtain additional financing to sustain operations. The ability of the Authority to continue as a going concern is dependent on additional contributions from the State of Maine and additional financing from outside sources. The financial statements do not include any adjustments that might be necessary if the Authority is unable to continue as a going concern

The Authority currently has a signed purchase and sale agreement under which they would sell a substantial portion of the developable real estate, excluding the aviation facilities, located at the Loring Commerce Center. The real estate will be sold in parcels over a number of years provided that the developer meets certain benchmarks in each preceding year. The initial parcel would include land and buildings valued at \$7 million with the Authority receiving a down payment of \$3.5 million and the remaining \$3.5 million would be financed over a period of 10 years. The Authority would use the initial down payment to pay down accounts payable, the line of credit and other long-term debts while using the remaining funds to strengthen operational cash flow. Closing is expected to occur in October 2022. Management intends that the proceeds from the sale will be used to reduce debt and provide cash to sustain operations for the foreseeable future.

(24) COMPONENT UNIT

In February 2021 the Authority acquired a 100% membership interest in Loring Industries, LLC upon the death of the LLC's sole member. The member's heirs did not wish to obtain the LLC and disclaimed this portion of the estate. The Authority recognized the LLC as a valuable asset to redevelopment efforts and accepted the LLC to keep it operational.

Management has not presented any financial information related to Loring Industries, LLC in its financial statements for the years ended June 30, 2022 and 2021.

REQUIRED SUPPLEMENTARY INFORMATION

LORING DEVELOPMENT AUTHORITY OF MAINE

SCHEDULE OF CHANGES IN NET OPEB LIABILITY

FOR THE YEAR ENDED JUNE 30, 2022

Total OPEB Liability	2022	2021	2020	2019	2018
Service cost (BOY)	\$ 2,825	\$ 2,452	\$ 1,365	\$ 1,574	\$ 2,175
Interest (includes interest on service cost)	915	1,022	3,404	3,011	3,819
Changes of benefit terms	-	-	(680)	-	-
Differences between expected and actual experience	95,843	-	(57,421)	-	(29,471)
Changes of assumptions	21,056	2,382	7,802	(6,685)	12,105
Benefit payments, including refunds of member contributions	(345)	(332)	(2,243)	(2,157)	(907)
Net Change in total OPEB Liability	\$ 120,294	\$ 5,524	\$ (47,773)	\$ (4,257)	\$ (12,279)
Total OPEB Liability - Beginning	\$ 40,521	\$ 34,997	\$ 82,770	\$ 87,027	\$ 99,306
Total OPEB Liability - Ending	\$ 160,815	\$ 40,521	\$ 34,997	\$ 82,770	\$ 87,027

LORING DEVELOPMENT AUTHORITY OF MAINE

SCHEDULE OF EMPLOYER'S SHARE OF OPEB CONTRIBUTIONS

FOR THE YEAR ENDED JUNE 30, 2022

	2022	2021	2020	2019	2018
Plan Fiduciary Net Position					
Contributions - Employer	345	332	2,243	2,157	907
Contributions - Member	-	-	-	-	-
Net investment income	-	-	-	-	-
Benefit payments, including refunds of member contributions	(345)	(332)	(2,243)	(2,157)	(907)
Administrative expense	-	-	-	-	-
Net change in plan fiduciary net positions	-	-	-	-	-
Total Fiduciary Net Position - Beginning	\$ -	\$ -	\$ -	\$ -	\$ -
Total Fiduciary Net Position - Ending	\$ -	\$ -	\$ -	\$ -	\$ -
Plan fiduciary net position as a percentage of the total OPEB liability	0%	0%	0%	0%	0%
Covered employee payroll	124,762	251,783	251,783	402,382	402,382
Net OPEB liability as a percentage of covered employee payroll	128.9%	16.1%	13.9%	20.6%	21.6%

Supplementary schedule starts with one year of information as of the implementation of GASB No. 75, but eventually will build up to 10 years of information. The schedule above shows changes in TOL and related ratios required by GASB No. 75.

See accompanying independent auditors' report and notes to financial statements.

ADDITIONAL REPORT



Chester M. Kearney
Certified Public Accountants

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Barbara E. McGuire, CPA, CGMA
Timothy P. Poitras, CPA, CGMA

To the Board of Trustees of the
Loring Development Authority of Maine

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN
AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities of the Loring Development Authority of Maine as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Loring Development Authority of Maine's basic financial statements, and have issued our report thereon dated October 18, 2022.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Loring Development Authority of Maine's internal control over financial reporting (internal control) as a basis for designing the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Loring Development Authority of Maine's internal control. Accordingly, we do not express an opinion on the effectiveness of Loring Development Authority of Maine's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Report on Compliance and other matters

As part of obtaining reasonable assurance about whether Loring Development Authority of Maine's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Chester M. Kearney

Presque Isle, Maine
October 18, 2022

**PARAGRAPH 1C: PROPERTY TRANSACTIONS DURING
FISCAL YEAR 2022**

PROPERTY TRANSACTIONS

LEASES AND SALES

GREEN 4 MAINE PROPOSAL. LDA Trustees authorized the execution of a Purchase & Sale Agreement with Green 4 Maine and its principals, who initially anticipate the startup of three new businesses and the purchase of several buildings. Companies affiliated with Green 4 Maine have leased space in the Loring Applied Technology Center; the companies are Green 4 Maine Homes, LLC, Maine Agricultural Association, LLC and New England Structural Engineering Services.

4BIRDIES, LLC. 4Birdies, owner of the Limestone Country Club, was released from the LDA's option to repurchase the property and its right of first refusal. The release is intended to alleviate the concern of investors who are worried about the uncertainties created by the options. 4 Birdies, LLC, purchased the nine-hole golf course and club house in July 2020.

FIRST CUT HAY, CO, LLC. LDA entered into a short-term lease with First Cut Hay Co. for space in the former commissary building at Loring. The company made use of the warehouse space with overhead doors for its hay storage and processing operations.

NOVEL ENERGY SOLUTIONS, LLC. LDA entered into a short-term lease with Novel for warehousing space in Building #7220, where the company is storing materials to be used in the construction of solar arrays in the county.

THE POWER COMPANY. LDA entered into a 23-year lease with The Power Company for two sites at Loring containing two solar arrays, which were purchased by the Town of Limestone.

APTIM ENVIRONMENT & INFRASTRUCTURE, LLC. LDA and APTIM entered into a one-year lease for Building #8412; the lease includes two one-year extension options. APTIM will make use of the 2,000 square foot building to support its work as an environmental services company working for the Air Force.

WSP USA ENVIRONMENT & INFRASTRUCTURE, INC. LDA and WSP entered into a month-to-month lease for office space in Building #5100 and storage space in Building #8250. The leased space will support WSP's work as an environmental services company working for the Air Force.

LICENSES

POTATO STORAGE. LDA entered into license agreements with two local farmers who needed additional storage for their extraordinarily large crop of potatoes in the fall of 2021.

APACHE BOATWORKS, K & S TIMING, LLC, CUMBERLAND MOTOR CLUB, INC. The runway at Loring was used by the three Maine organizations in support of their respective events, including land sailing, land speed racing, and motor cross.

**PARAGRAPH 1D: ACTIVITIES OF ANY SPECIAL UTILITY DISTRICT FORMED UNDER
SECTION 13080-G**

NONE

**PARAGRAPH 1E: LISTING OF PROPERTY ACQUIRED BY EMINENT DOMAIN UNDER
SECTION 13080-G**

NONE

PARAGRAPH 1F: LISTING OF BONDS ISSUED

NONE

**PARAGRAPH 1G: SUBSEQUENT EVENTS – JULY 1, 2022 TO OCTOBER 15, 2022 AND
PROPOSED ACTIVITIES FOR FISCAL YEAR 2023**

SUBSEQUENT EVENTS

A summary of the activities on the Loring Commerce Centre between July 1, 2022 and October 15, 2022 are provided below.

MARKETING. The new web site for Loring is live: www.loringcommercecentre.com and a new Facebook page has been created. The new social media efforts have been well received and are part of SHL Enterprise Solutions' marketing work. SHL has also attended trade shows including a UAS Summit in North Dakota, the International Machine Technologies Show in Chicago and the Big E Agricultural show in Massachusetts. An airport master plan for Loring is being developed and work with prospects in aviation, biorefinery and agriculture is ongoing. SHL issued the first quarterly newsletter for Loring in July.

LORING OPEN HOUSE 2022. The open house hosted by the Loring Air Museum in August was a great success. The event included the display of a B-52 on site for the weekend demonstrating that the Loring runway is usable by large, heavy aircraft.

LARGE BIOMASS FUELS PROJECT. LDA Trustees authorized the LDA President & CEO to execute a Right of First Refusal with a biomass fuels company interested in locating at Loring.

FIRST CUT HAY, CO, LLC. LDA entered into a lease with First Cut Hay for Building #6555, which is approximately 20,000 square feet of open space. The company moved from the space it had leased in Building #8700 and will continue its hay storage and processing operations at Loring.

THOMPSON'S TREE SERVICE, LLC. LDA entered into a short-term lease with Thompson's for warehouse space in Building #8700.

ELBIT SYSTEMS OF AMERICA. Elbit, an innovative research and development company, made use of the airfield at Loring to conduct testing of new equipment and technologies.

POTATO AND FARM EQUIPMENT STORAGE. LDA entered into a multi-year lease with Guerrette Sales for a portion of a large industrial building for activities related to a farming enterprise and license agreements with other local farmers who needed additional storage for potatoes and for farm equipment this fall.

PROPOSED AND PROJECTED ACTIVITIES FOR FISCAL YEAR 2023

In addition to working to ensuring that our existing tenants remain viable business entities, the LDA intends to carry out the following activities in fiscal year 2023:

SUSTAINABILITY TASK FORCE. Continue to Move forward with recommendations of the Consultants in their Sustainability Task Force Report to the Governor last year.

MARKETING. One recommendation of the Task Force report, a major marketing program, is underway and is generating new prospects with potential for significant new developments at Loring. The state is providing \$400,000 over two years for marketing work for Loring. SHL Enterprise Solutions was selected to complete the marketing work. Steve Levesque, owner of SHL, recently retired from the Midcoast Regional Redevelopment Authority; his extensive economic development experience and knowledge is a great asset to LDA.

GREEN 4 MAINE (G4M). Continue working with the G4M principals, supporting the startup of three new businesses and the sale of several buildings. Moving forward with the G4M proposal is one of the recommendations of the task force report. Ideally, G4M would over time become the master developer of the Loring properties with LDA providing public infrastructure support.

ACTIVE PROSPECTS. Continue supporting proposed development projects in cooperation with G4M, including manufacturing prospects, fuel pipeline and corridor energy projects, renewable energy generation projects, aviation maintenance, and various aviation and aerospace operations at the Loring International Airport.

MUNICIPAL SERVICES. Continue working with the Town of Limestone to develop sustainable emergency services for the community, including Loring. A Tax Increment Financing (TIF) district for part of Loring would create incentives for development and assist with emergency services and infrastructure to support the property's development.

PFAS INVESTIGATIONS. Continue supporting the Air Force's PFAS investigations at Loring; results of the PFAS testing at Loring will be available soon. A preliminary report concluded that drinking water at and around Loring does not exceed EPA health advisory guidelines. The level of contamination and the type of remediation needed will be determined in the remedial investigation, conducted this summer.

SPACE INDUSTRY. Continue to work with the State of Maine and other partners in developing the space industry in Maine. Maine's location is an advantage for polar launches and infrastructure at the former military installations at Loring and Brunswick could support the space industry. Vertical launches could take place at a coastal location; a mission control center is envisioned for Brunswick Landing; and Loring could support horizontal launches and research and development.

INFRASTRUCTURE IMPROVEMENT. Move forward with roadway repairs and demolition with a \$3.1 million federal grant awarded this year; complete a \$3.6 million sewers improvement project and pursue funding for stormwater infrastructure and facilities improvements.

SOLAR PROJECTS. Continue to support the construction of the SynerGen solar project and the development of the Dirigo solar project as well as new prospects for solar projects at Loring.

OPPORTUNITY ZONES. Take advantage of the Opportunity Zone designation. Loring, along with the town of Limestone, has been designated an Opportunity Zone. The new federal Opportunity Zone program is intended to attract new investments, providing tax incentives for investments made in designated areas. LDA is to be included with DECD and Maine & Company's marketing efforts to attract opportunity zone investors.

**PARAGRAPH 1H: FURTHER ACTIONS SUITABLE FOR ACHIEVING PURPOSES
OF THIS ARTICLE**

**The Loring Development Authority recommends that the following actions be considered
by the Governor and Legislature**

Approving a 5-year extension of LD 1670 would help fill a funding gap for operations, while new businesses expand and generate revenue. In 2016, the 127th Legislature enacted LD 1670 which increased LDA's tax increment funding associated with Loring based jobs from 50% to 100% for one year. It was originally enacted with a 5-year duration with a review requirement, but was later amended so that the increase to 100% was for one year only. Two years ago, a Governor's bill that would have reinstated the 100% increase for 2 years was in the Revisor's office but was not considered because the legislature adjourned early due to the pandemic.

State Funding in 2022: \$1.3 million was included in the DECD budget to address a cash shortfall in LDA's budget and to initiate the marketing program cited above.

ATTACHMENT

LORING COMMERCE CENTRE TENANTS

APTIM. an environmental engineering firm working for the Air Force Civil Engineering Center, occupies Building #8412.

Aroostook National Wildlife Refuge. The 4,700-acre refuge belongs to the National Wildlife Refuge System, a network of lands set aside specifically for the protection of wildlife and its habitat. Wetland, grassland and northern forest habitats for migratory birds and endangered species are protected on the refuge at Loring. Friends of the Aroostook National Wildlife Refuge support its programs through education, fundraising, recreational and volunteer projects.

Bangor Gas. Bangor Gas, a natural gas company and a subsidiary of Penobscot Natural Gas, leases the Loring to Searsport pipeline. The company has reactivated a portion of the pipeline to supply natural gas to customers along the corridor.

Bigelow Aerospace, LLC. Bigelow Aerospace is developing, constructing, launching and testing human-habitable space complexes, revolutionizing the space tourism industry. Bigelow has a radar installation at Loring.

British Cycle Supply Company. British Cycle Supply Company's operations include shipping, receiving, and warehousing classic British motorcycle parts that are acquired and sold worldwide. The company has another location in Nova Scotia, Canada.

Consolidated Communications. Consolidated Communications leases a former communications site on Route 89 in Limestone where it set up a satellite tracking and communications station.

Defense Finance and Accounting Service (DFAS) Center. The DFAS center operates out of a first-class, 145,000 square foot facility where its employees have consistently performed with excellence since 1995. The center is responsible for finance and accounting services for military installations across the U.S. and in foreign countries; DFAS Limestone employs 558 people.

Equine Management, LLC. Equine Management, LLC from Kentucky purchased a 6,800 square foot building with the intent of refurbishing it and then leasing to a related company that would provide medical license training online and eventually on site.

First Cut Hay Co., LLC. A newly formed company, First Cut Hay, stores and processes hay and animal feed products at Loring.

Frontier Transport, LLC. Frontier Transport stores, processes, and transports agricultural and wood biomass products for local customers. The company with its partner Triple G Sales also offers a farm equipment storage in a leased facility at Loring.

Green 4 Maine. Companies affiliated with Green 4 Maine have leased space in the Loring Applied Technology Center; the companies are Green 4 Maine Homes, LLC, Maine Agricultural Association, LLC and New England Structural Engineering Services.

Inland Winds Property Management. Inland Wind's residential properties at Loring include three and four bedroom town homes and individual homes available for purchase or lease.

Jason Dionne Trucking. The company occupies building #8264 at Loring, in support of his trucking business.

Lattice Technologies, Inc. Lattice Technologies, a consulting firm performing services in the defense sector, now occupies an office at Loring.

Limestone Country Club. The Limestone Country Club, Loring's nine-hole golf course, is a favorite among many golfers in the area. Operators of the country club also host community and private events.

Limestone Rotary Club. The Limestone Rotary Club holds its weekly meetings at Loring. It is a very active club with dedicated members working together to improve their community.

Limestone Water & Sewer District. The Limestone Water & Sewer District owns and operates the wastewater treatment facility at Loring, providing service to all wastewater customers in Limestone, including Loring Commerce Centre. Four people work for the district at Loring.

Loring Holdings. Loring Holdings (LH), a multi-faceted energy company, is working to advance energy production and transmission in Maine using the Loring to Searsport pipeline corridor.

Loring Job Corps Center (LJCC). The Loring Job Corps Center, part of the Job Corps New England Region and the National Job Corps system, provides academic programs and career vocational training in multiple industries for youth ages 16-24. The Center welcomed its first 380 students in January 1997. Career Systems Development Corp. operates LJCC and employs 110 people.

McDonald Enterprises. McDonald Enterprises is a small custom manufacturer of wood and metal products.

Maine Army National Guard. The Maine Army National Guard leases a 27-acre parcel of land at Loring where it has constructed a facility to warehouse its equipment.

New England Kenworth. New England Kenworth, with Loring Industries, operated a TRP store at Loring, warehousing and selling vehicle parts through October 2022.

Novel Energy Solutions, LLC. Novel Energy Solutions, LLC, a solar energy company, warehouses materials, to be used in the construction of solar arrays in the county, at Loring.

Pineland Farms Natural Meats. Pineland Farms Natural Meats, Inc. operates a beef cattle feedlot in Fort Fairfield and a composting operation at Loring. Pineland's goal is to generate 10,000 cubic yards or more of compost material a year. Pineland sells compost in bulk form to local farmers and in consumer-sized packaging at various retail outlets.

Pioneer Wireless. Pioneer Wireless, a broadband telecommunications company, now leases office space in LDA's office building. The new location will help Pioneer capitalize on the Three Ring binder telecommunications infrastructure, enabling it to offer dark fiber, fiber optic and other advanced services to Loring customers.

SFE Manufacturing. SFE Manufacturing, operates an equipment fabrication business at Loring, serving commercial, industrial, and government customers. SFE employs approximately 23 people.

Straight-Line Fencing. Straight-Line Fencing, an existing company with fencing sales and installation services, is in the process of establishing manufacturing capacity for a new line of its own products.

S.W. Collins Company. S.W. Collins Company, a hardware and building materials supplier, located its commercial line operation in the Loring Applied Technology Center. The line features custom-built products for commercial customers, offering a wide range of highly refined wood products including custom-built cabinetry and cases. S.W. Collins employs five at Loring.

SynerGen Solar, LLC. SynerGen Solar, LLC exercised its lease option this year and began the construction phase of its project. The company now leases approximately 20-acres on the north side of Northcutt Road, where it will install an electrical power generating solar facility.

The Bunker Inn. The Bunker Inn, located in the former visiting officer's quarters, is open to the public with twenty suites available. People traveling for business or pleasure make use of this unique facility, with many repeat guests.

The Loring Air Museum. The Loring Air Museum, formerly Loring Military Heritage Center, is a museum of Loring Air Force Base history. It was created and continues to be operated by a group of enthusiastic and dedicated volunteers. The museum maintains an impressive collection of Loring memorabilia and artifacts and conducts open houses, with historic tours of Loring, that are well attended.

The Power Company. Based in Washington, Maine, the Power Company constructed two solar-voltaic systems at Loring; both have been in operation for several years. The solar arrays are now owned by the Town of Limestone, providing power to the Limestone Water and Sewer District and the Maine School of Science and Mathematics.

WSP USA Environment & Infrastructure, Inc. an environmental engineering firm working for the Air Force Civil Engineering Center, occupies offices in the LDA office building and space in the arch hangar.

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