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# *Department of the Secretary of State*

**Bureau of Corporations, Elections and Commissions**

**Maine State Archives**



**Program Evaluation Report**

**As Required by the Government Evaluation Act**

**November 1, 2003**

MAR 5 2004



*Department of the Secretary of State*

**Bureau of Corporations, Elections and Commissions**

**Maine State Archives**

***Program Evaluation Report***

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## DEPARTMENT OVERVIEW AND CENTRAL OFFICE

### Department Overview:

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

As the repository for Maine's official state records, Department personnel focus on ways to enhance citizen access to government information. The Department of the Secretary of State, for example, was the first state agency to contract with InforME to provide e-government services on-line. In recent years, Department personnel have worked to substantially increase the use of technology in all areas.

As a result, the concept of e-government has become a reality in Maine. By providing services over the Internet, the Department is able to make progress toward increasing customer satisfaction (through more convenient access to information); enhancing productivity (through removal of redundancy from employees' duties); and ensuring the public trust (through citizen oversight of activities in the public interest).

During the next biennium, it is anticipated that the Department of the Secretary of State will generate \$10,829,660 in revenues to the General Fund and receive an allocation of \$7,611,397. Revenues continue to exceed expenditures by more than \$3 million.

### Department Mission Statement:

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

### Central Office:

The Central Office of the Secretary of State is responsible for the overall administration of the Department's three bureaus: the **Maine State Archives**; the **Bureau of Corporations, Elections and Commissions (CEC)**; and the **Bureau of Motor Vehicles (BMV)**. Budget preparation, personnel management, program implementation and strategic planning are carried out by the Central Office, which also directs policy oversight and technology initiatives.

A number of outreach programs aimed at enhancing civic awareness and increasing voter participation are coordinated by the Central Office. They include a *Promote the Vote* program to encourage maximum turnout for elections and various youth initiatives, such as the *Maine Constitution Poster and Essay Contest*, the *8<sup>th</sup> Grade Citizenship Award* and the *Student/Parent Mock Election*.

Additionally, the Central Office:

- conducts a **100 Year Corporation Recognition Project**;
- works to expand and enhance **online services and capabilities**;
- produced *Maine Remembers Those Who Served*, a book to honor veterans and encourage Maine residents to Vote in Honor of a Veteran;
- promotes motor vehicle safety initiatives and legislation, including the development and passage in 2003 of the **Graduated Driver's License**;
- participates in the development of the **Maine Transportation Safety Conference** and various transportation safety projects sponsored by the Maine Transportation Safety Coalition;
- distributes a **Young Driver Contract** to help parents and teenagers agree on ground rules for family vehicle use; and
- conducts an **Annual OUI Awareness Event** in conjunction with the Maine Turnpike Authority, law enforcement and others.

The Central Office provides policy oversight for all Departmental programs and advances legislative initiatives to improve and expand services as needed. Recent efforts include the work of a Young Driver Task Force; as well as advancement of e-commerce and e-government initiatives.

## BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS

### **A. Enabling Legislation**

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

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

The Bureau of Corporations, Elections and Commissions (CEC) is charged with ensuring public confidence in the integrity of Maine elections, and in the accuracy and accessibility of corporate filings and other documents. The Bureau's personnel seek to provide efficient, reliable services to Maine citizens and pursue innovative ways to achieve this goal.

CEC is the repository for all records relating to the 58,000 corporate entities operating in the State and 192,000 liens filed on personal property. The Bureau also conducts all State elections, records commissions and other official State acts, and maintains a record of all State agency rules filed under the Administrative Procedure Act. It collects revenues of more than \$10,000,000 biennially.

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

CEC maintains 6,800 active and inactive service and trade marks on file, and reviews the design and text of proposed marks against those on file for availability prior to filing. The Bureau also biennially files 126,000 original records and renewals of security interests in personal property under the Uniform Commercial Code and the Food Security Act.

The Bureau biennially files 98,000 annual reports on business entities, issues 10,350 certificates of good standing on corporate entities to lending institutions and other interested parties and conducts 46,600 certified debtor searches on lien filings.



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

In fulfilling these responsibilities, CEC conducts mandatory training sessions for municipal election officials; prepares, proofreads and distributes thousands of separate ballot types and other election materials; tabulates official election results; supervises recounts of contested races; oversees the application of the State's laws pertaining to candidate and citizen initiative petitions; and coordinates the statewide implementation of the National Voter Registration Act (NVRA), and the Help America Vote Act (HAVA).

The Bureau also administers the appointment, renewal and continuing education of approximately 26,500 notaries public; administers the application process of Dedimus Justice candidates for the Governor's Office; records appointments to 250 boards and commissions and publishes vacancy listings; maintains records of and provides electronic access to over 1,800 rules filed under the Administrative Procedure Act for all State agencies and arranges for publication of rulemaking notices; files all documents relating to pardons; processes authentications, apostilles and incumbencies certifying the acts of public officials; and administers the Executive Financial Disclosure requirements for 150 State agency officials.

**CEC Goal:**

Ensure public confidence in the integrity of Maine elections and the accuracy and accessibility of corporate and other records through the provision of efficient and reliable services to Maine citizens.

**CEC Objective:**

Improve participation in elections and the efficiency of processing corporate and other records while improving customer satisfaction with the accessibility of these records and other services of the bureau.

**CEC Strategy:**

Promote involvement in and oversee the conduct of state elections, ensure the proper filing of corporate and other public records and provide convenient access to these records as well as other related services.

**Performance Budget Measures:**

Performance Measures		FY 2002	FY 2003	FY 2004	FY 2005
1	In top ten states with respect to voter turnout in biennial elections.	0	Top 10 (projection) 2nd in 2002 (actual)	0	10
2	Number of corporate documents, trademarks, and UCC transactions filed and maintained.	393,138	395,000 (projection) 412,747 (actual)	405,000	415,000
3	Number of other documents and credentials filed and maintained, including boards & commissions, notaries and rules etc.	34,393	32,000 (projection) 34,822 (actual)	32,000	32,000
4	Average number of business days to process corporate and UCC filings.	3.13	3 (projection) 3.15 (actual)	4.0	4.0
5	Number of transactions involving corporate or UCC records conducted via the Internet.	37,173	33,000 (projection) 90,433 (actual)	34,000	35,000
6	Customer satisfaction rating (% satisfied with services)	95	93.5 (projection) 96 (actual)	94	94

(Note: Information for FY 2002 is actual FY 2004 and 2005 are projections.)

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

Although the performance-based budget process allows for a single goal, objective and strategy, as well as six performance measures to cover the budget submissions for each agency, the Bureau of Corporations, Elections and Commissions -- through the Department's strategic planning process -- has developed internal indicators and tracking procedures to assess the effectiveness of programs and services in achieving the following three overarching goals:

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

The following pages summarize the agency's assessment of performance in the major program areas of the Bureau using the six specific performance measures established in the Bureau's performance-based budget as well as the additional achievements in ensuring public trust, advancing customer satisfaction and enhancing productivity.

### Division of Corporations and UCC

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

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

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

Three of the Bureau's performance-based budget measures -- the second, fourth and fifth -- relate specifically to the filing programs administered by the Division of Corporations and UCC.

The second performance-based budget measure addresses the **number of corporate documents, trademarks, and UCC transactions filed and maintained** by the Division. The FY 2003 projection was that the number of filings would increase to 395,000. The number of active filings maintained actually increased to 412,747; an increase of 4.5 percent over projections. It should be noted that in addition to the number of active records maintained, the Division maintains another 218,898 records for inactive, revoked or dissolved entities.

One reason for the increase in the number of business entity filings is the Division's support and advocacy for the adoption of new entity formation laws that provide businesses with more favorable tax and liability protections. In the decade since the Bureau's last GEA report, Maine has adopted three new laws for formation of limited business entities – limited partnerships, limited liability companies and limited liability partnerships.

In addition, in 2003, Maine adopted the most recent version of the Model Business Corporation Act, updating Maine's law from the 1970 version of the business corporation laws. The Division staff was instrumental in working with the Maine Bar Association in reviewing the model act and other states' laws to propose the appropriate revisions for Maine. Having more favorable entity laws encourages businesses to form in Maine instead of other states.

In 2001, Maine adopted Revised Article 9 of the Uniform Commercial Code, after a two-year study effort led by the Secretary of State. This was the first major revision of the UCC since the 1960's. The revision of the filing structure for UCCs has resulted in an increase in UCC filings since 2001.

The projection for FY 2004 appears to be on target and should be achieved and exceeded.

The fourth performance-based budget measure assesses the **average number of days to process corporate and UCC filings**. The target for FY 2003 was 3 days. The average processing time for filings was 2.5 days. The actual performance for all filings and searches was 3.15 days.

Processing times have decreased dramatically over the last decade, due to increased computerization of back-end (internal) filing and searching functions, and more significantly due to the implementation of on-line searching and filing programs in the UCC and corporate annual reports areas. The 96 percent usage rate for on-line UCC searches has enabled the staff to meet the statutory requirement enacted in 2001 of 2 days processing time for UCC filings and 3 days for UCC searches.

It should be noted that the processing time measure has been increased to 4 days for FY 2004, to reflect reductions in staffing that occurred before the end of FY 2003. In order to meet a target budget reduction of \$399,939 for FY 2004, the Bureau eliminated 4 FTE positions. Three of these positions were in the Division of Corporations and UCC; and therefore, will have a direct impact on the Bureau's ability to meet this performance measure. Secondly, although the Division has a number of very successful online services, the volume of work between online transactions and mail or in person transactions has increased overall.

The fifth performance-based budget measure deals with the **number of transactions involving corporate or UCC records conducted via the Internet**. In FY 2003, the number of transactions increased 174 percent over the projection. At the time this projection was established, online filing and searching programs were just being implemented. As mentioned previously, the UCC search usage rate is now at 96 percent. The rate of online filings for UCC is currently at about 50 percent.

For the first full year of use, Annual Reports Online achieved a usage rate of 52% by the legal filing deadline of June 1<sup>st</sup>. This impressive usage rate can be partly attributed to the policy change of sending only a post-card reminder to each entity this year, with information on how to file online, rather than mailing a pre-printed annual report form. The ease and user-friendliness of the online filing process also contributed greatly to the usage rate.

The higher-than-expected usage rate for these on-line services has enabled the Division to weather the loss of 3 out of 20 staff (a 15% reduction) with an expected increase in processing time of only 1 day. Internet transactions will continue to increase as more and more users discover the ease of use of the online filing systems both for corporate and UCC filings. Additionally, two public computer stations are available for corporate and UCC searches in the lobby outside CEC on the 4<sup>th</sup> floor of the Burton Cross State Office Building.

The Division uses a weekly reporting format to track key indicators that provide management with the status of filings and search requests. These indicators include the number of filings and search requests processed; the number of days that filings are backlogged (turnaround time); the number of documents rejected; the number of documents presented for expedited or immediate filing (with additional fees paid); and for services that have on-line filing components, the number of filings and searches performed manually and on-line.

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

In addition, many of the Corporate and UCC staff have been cross-trained to assist the Elections Section with petition certification, proof-reading of ballots, and to help with bulk mailings and processing of voter registration cards for prompt delivery to municipalities. This allows the Bureau to meet the cyclical demands of elections with the small elections staff, and less reliance on outside (temporary) workers.

## **Division of Elections and Commissions**

### **Commissions, Rules and Notaries Section**

All of the activities of the Commissions, Rules and Notaries Section are in support of several statutorily required filing programs, including the records of all state agency rulemaking activities; the signature and oath records for Notaries Public, various state officials and appointees to boards and commissions, both as an official record and for authentication of Maine public officials on documents submitted to foreign countries; and other miscellaneous records or filings as may be prescribed by law. Additionally, this section coordinates the paperwork for requests for executive clemency (pardons) and acts as Secretary to the Governor to record pardon hearings and provide information to clemency applicants on the status of their requests.

The third performance-based budget measure addresses the **number of documents and credentials filed and maintained** by this section of the Bureau. The target was exceeded by 9% over the projection for FY03. This increase can be attributed to more applications for new and renewing notaries public and more rule chapters placed on file.

In 2000, to enhance productivity in the section, the Bureau implemented a new Oracle database for recording Notary Public and Dedimus Justice appointments. During the design of the database, the business process for the filing program was studied, which resulted in significant streamlining of the work flow in all aspects of the filing process. The resulting database design eliminated redundant data entry, automated the production of certificates and qualification forms, provided additional functionality in the processing of records, and resulted in a higher level of data integrity through the use of automated data entry error checking.

Prior to 2000, only minimal information on Notaries and Dedimus Justices was posted on the Bureau's website, and was updated infrequently. The new database format is web-enabled, which allows the Bureau to provide on-line public access to the database. The information is current to within 24 hours. The public can now access information on individual records, or query the database for groups of records. This achievement has resulted in the enhanced productivity of staff, as it has reduced the need for staff to conduct database searches for the public. It has also advanced customer satisfaction by providing increased access to information.

Additionally, the application and Guide for Notaries Public has been posted to the Bureau's website, which allows for a wider distribution to interested persons. This has greatly reduced the number of persons contacting the office to obtain printed copies of these materials by mail. The Division assists the nonprofit group "Informed Notaries of Maine" in providing workshops on notary practices at various locations throughout the state as well as contributing articles to the Informed Notaries newsletter. These efforts have helped to ensure public trust in the knowledge and accuracy of Notaries Public.

In an effort to ensure public trust in the rulemaking process, and to provide more public access to agency rules, the Division has maintained an on-line file, on the Department's website, with the most current version of each agency's rules. The weekly notices of rulemaking proposals and adoptions are posted to the Bureau's website, as well as being published in the daily newspapers in Maine.

In addition, since 1998, the Division has posted the annual regulatory agendas for each agency, allowing the public to have advance notice of rules that may be adopted or amended in the coming year. In 2001, the Bureau worked with the Attorney General's Office to prepare a revised Agency Rulemaking Guide to assist state agencies in proper filing of new and revised rules. This Guide is posted to the website. The staff also worked with the AG's office to conduct an agency training session for rulemaking officers.

As part of the budget reduction during FY 2003, one staff position was eliminated in this section of the office. Therefore, only two staff are primarily responsible for conducting the filing activities of the section. In order to meet the increased activity, the staff in the Elections Section has been cross-trained to assist during times of peak or unusual activity.

### Elections Section

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

The first performance-based budget measure projects that Maine's **voter turnout for federal elections** will be in the top 10 nationally. In the presidential elections of 1992 and 1996, Maine's turnout was first in the nation, while in 2000 Maine's turnout rated second. In the gubernatorial election of 2002, Maine's turnout was also second in the nation.

The voter turnout measure is a reflection of both the public's trust in the integrity of the elections process and their ability to access information on voter registration and elections and participate fully in the process. The following are achievements that have helped to **ensure the public's trust** in the integrity of the elections process, thereby enhancing voter turnout.

Since 1995, the Division staff has developed written training materials and created training sessions on statewide elections. The Division has assumed the primary role in training of municipal clerks and registrars of voters on the current laws, rules and procedures governing statewide elections; while a member of the Clerk's Association shares their expertise in the practical application of the laws. The Division has conducted three to ten of these training sessions each year, which have been attended by about 200-300 officials annually.

In 1994, the Secretary of State conducted the first annual Elections Conference, which is a two-day event offering election training and professional development for clerks and registrars. The tenth annual conference in 2003 attracted over 250 election officials.

Prior to 2003, election training was voluntary for municipal clerks and registrars. To reach all election officials, the Division prepares a series of instructional mailings on various election issues before each election. Each year, the Division staff has continued to make modifications and improvements to the instructional materials, culminating with the issuance of a permanent training guide to each official in the fall of 2003.

For many years, the Secretary of State has sought a mandatory elections training law, recognizing that voluntary training was only reaching a portion of the state's election officials. The 120<sup>th</sup> Legislature enacted a mandatory training requirement that went into effect on January 1, 2003. To augment the current schedule of training with the Clerk's Association and the annual elections conference, the Division will offer county or regional training sessions in 2004, and is exploring the ITV or distance learning program available in the Burton Cross State Office Building.

Other activities of the Division that contribute to the voters' trust in the integrity of the elections include:

- annual update of the publication of Title 21-A, Maine Law on Elections;
- annual summary and copy of the public laws enacted by the Legislature sent to each municipal clerk and registrar of voters.
- provide training at county meetings for municipal clerks and to other groups on request;
- articles to the Maine Town and City Clerk's Association newsletter;
- development of new instructions for election officials to determine voter intent for regular and write-in votes;
- redesign of forms to streamline the processing of citizen initiative petitions and certify that petition circulators are registered voters and residents of Maine;
- redesign and clarification of the Write-in Candidate Process;
- provide laminated posters that must be placed within the polling place, including the Voter Instruction, Voter Rights and Election Penalty posters;
- implementation of new challenged ballot laws and procedures, ensuring that the challenge process provides an appropriate check-and-balance to Election Day Registration and the sole authority of the registrar to determine voter eligibility;
- continual review and improvements made regarding central recount procedures, including State Police retrieval and security of ballots and other materials before, during and after the recount;
- revisions to laws governing the Division's authority for central ballot production; providing consistency of format and layout in all ballot styles;
- development of new receipting procedures for documenting the chain of custody of write-in and regular absentee ballots, and official ballots for election day;
- creation of new instructional labels for proper segregation and designation of spoiled, void and defective ballots;
- (since 1994) ensuring the usage of tamper-proof ballot storage boxes, locks and seals to secure ballots and election materials on election night, and through any recount or appeal period;
- work with various advisory groups to seek continuous improvements to election laws and procedures, including the:

Ballot Clarity Board  
The Elections Advisory Committee  
The Municipal Clerks Association Committee  
The HAVA State Planning Committee  
The Central Voter Registration List Committee



In the past decade, the Division has implemented or refined many programs designed to improve the public's access to the electoral process and **advance customer satisfaction**, leading to a higher voter turnout in Maine. These achievements include:

- improvements to the administration of Maine's election day registration;
- enhancement of mail-in registration forms and procedures;
- implementation of the National Voter Registration Act (NVRA) by extending registration opportunities at Motor Vehicle Offices, state social service agencies, and military recruitment centers;
- NVRA High School Registration - provide voter registration applications and other instructions to Maine high school students, registering over 1,600 students annually; and
- implementation of the 1999 Higher Education Amendment Act, providing voter registration applications to Maine's higher education institutions before each general election;
- redesign of the absentee ballot envelopes to incorporate the new federal postal logo, providing expedited delivery of elections mail;
- expanded information on our website to provide for posting of current citizen initiatives, including legislation, ballot question and proponent information; as well as various voting informational guides;
- implementation of "any-reason" absentee voting, allowing any voter to request an absentee ballot for any state election;
- introduction of projects designed to increase voter participation which include:
  - Citizenship Day
  - Promote the Vote
  - Vote in Honor of a Veteran
  - Student/Parent Mock Election

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

Many of the actions completed to enhance the integrity of the election or improve voter turnout, have the added benefit of increasing staff productivity. For example, the creation and distribution of a permanent training guide for election officials will eliminate the need to reproduce the various memos and instructions sent to clerks and registrars prior to every election. The training guide also is a useful reference tool for election staff as they respond to the questions posed by municipal election officials and members of the public. Likewise, the Division has provided laminated instructional posters to municipalities, which can be used for several years, eliminating the need to reproduce and distribute the posters for each election.

Beginning with the June Primary, 2002, the Elections Division worked with the United States Postal Service to reduce the ballot delivery costs while maintaining the integrity of delivery as well as the capability to track receipt of ballots by the municipal clerk. By replacing the old "certified mail" system with the new "signature confirmation process," the Division was able realize a significant savings in postage costs.

Previous ballot production consisted of providing the printer with information, for potentially 2500 ballot styles per election, which had to be typeset in the prescribed ballot format. Beginning in 1996, the Elections Division implemented a software program that produces camera-ready ballots. This process has enabled the elections staff to prepare and proof all ballot styles prior to submission to the ballot printer, thereby eliminating several steps of proofreading.

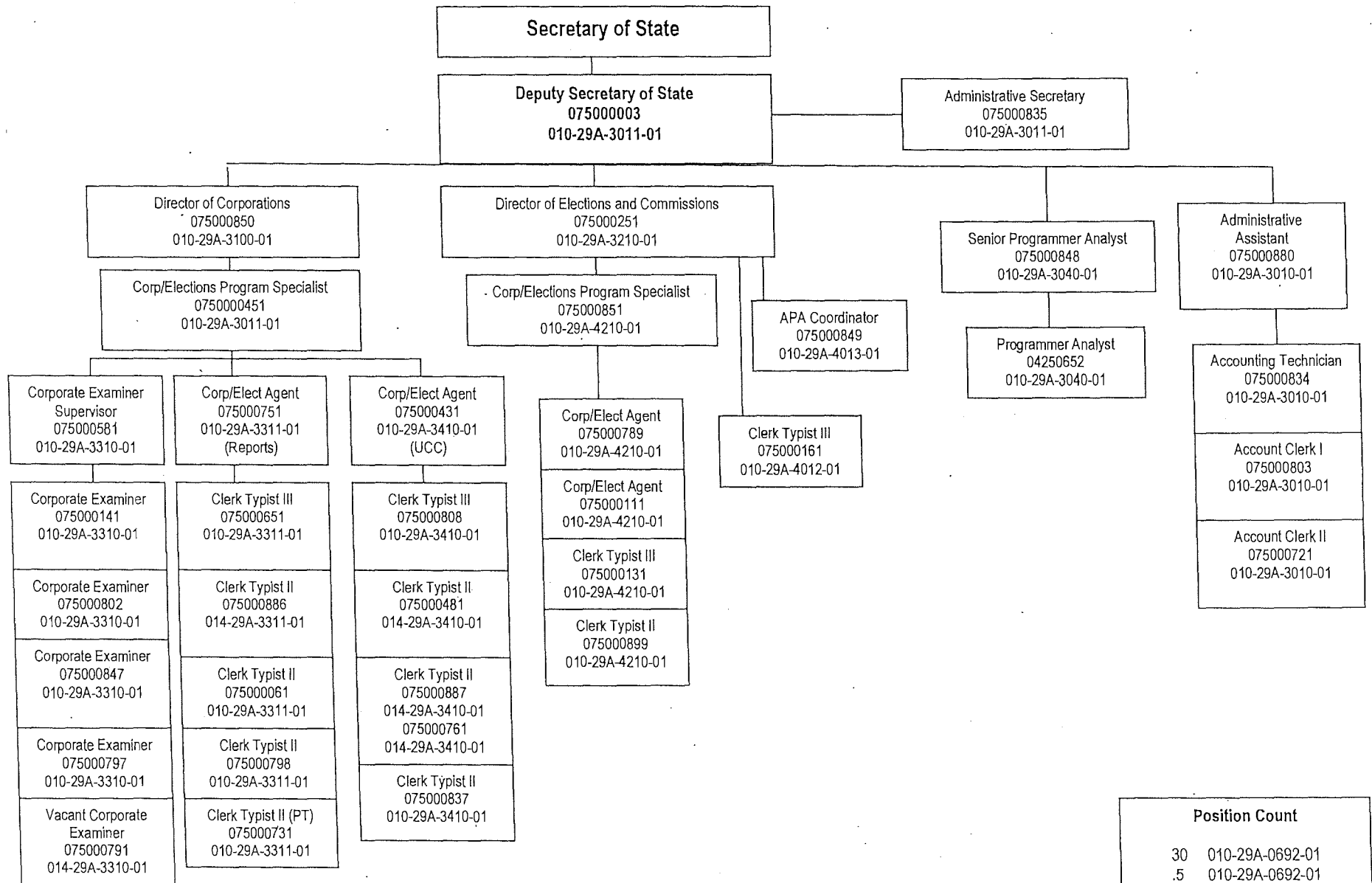
### **C. Organizational Structure**

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

*(See Organizational Flow Chart on next page.)*

# Bureau of Corporations, Elections and Commissions

## Organizational Flow Chart



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Position Count	
30	010-29A-0692-01
.5	010-29A-0692-01
4	014-29A-0692-40

## D. Compliance

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

**Affirmative Action** -- The Office of the Secretary of State has set forth a comprehensive Affirmative Action Plan designed to address issues of equality in its labor force. The Department has a high percentage of civil service competitive employment positions and is required to work through the State's Bureau of Human Resources to fill the vast majority of vacancies. Therefore, the Department's ability to improve on the hiring of minorities is limited, in large measure, to those opportunities presented by the State's competitive hire system. To facilitate minority recruitment, the Department utilizes expanded certifications of qualified candidates whenever possible.

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

**Occupational Safety and Health Administration (OSHA)** -- In recent years, the Department has focused considerable attention on health and safety concerns, particularly as they pertain to issues of ergonomics. An evaluation team reviewed ergonomic considerations Department-wide during the late 1990s. As a result, work stations were redesigned in consultation with ergonomic specialists; annual training for staff utilizing computers was developed and continues to be offered to all employees; and telephone headsets and other appropriate equipment were provided.

**Worker's Compensation** -- In 2003, six CEC employees filed workers compensation claims. Of these injuries, three were related to ergonomics -- or repetitive motion -- related factors. Repetitive motion injuries are common among clerical employees. The normal protocol for a repetitive motion injury includes physical therapy, a workstation evaluation by an ergonomics professional; and ongoing employee training.

Because of repetitive motion injuries and related concerns about employee health and safety, the Secretary of State established a Labor-Management Committee. The committee, which reviews injury reports on a monthly basis, has developed protocols for evaluating employee workstations at the time of hire, as well as annually.

## E. Financial Summary

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

Department of the Secretary of State  
**BUREAU OF CORPORATIONS, ELECTIONS & COMMISSIONS**

General Fund - Administrative Services and Corporations

Allocations

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Pers Svcs	1,261,727	1,437,404	1,539,169	1,562,661	1,573,326	1,655,199	1,700,079	1,797,594	1,955,425	2,018,565
All Other	316,317	859,266	858,045	983,158	817,836	821,764	836,331	824,899	916,830	1,104,472
Capital	126,123	129,989	141,201	66,726	25,000	20,331	30,000	22,300		25,758
<b>TOTAL</b>	<b>1,704,167</b>	<b>2,426,659</b>	<b>2,538,415</b>	<b>2,612,545</b>	<b>2,416,162</b>	<b>2,497,294</b>	<b>2,566,410</b>	<b>2,644,793</b>	<b>2,872,255</b>	<b>3,148,795</b>

Expenditures

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>TOTAL</b>	<b>1,704,167</b>	<b>2,426,659</b>	<b>2,187,735</b>	<b>2,502,888</b>	<b>2,148,181</b>	<b>2,380,538</b>	<b>2,401,598</b>	<b>2,564,082</b>	<b>2,586,747</b>	<b>3,044,267</b>

Revenues

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>TOTAL</b>	<b>4,295,170</b>	<b>4,382,030</b>	<b>4,657,032</b>	<b>4,682,702</b>	<b>4,952,018</b>	<b>5,381,377</b>	<b>5,455,050</b>	<b>5,522,799</b>	<b>5,851,426</b>	<b>5,849,746</b>

Department of the Secretary of State  
**BUREAU OF CORPORATIONS, ELECTIONS & COMMISSIONS**

Dedicated Revenue Account

Allocations

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Pers Svcs	61,855	60,128	70,986	72,827	75,251	87,020	83,595	93,597	146,923	94,374
All Other	7,850	48,293	10,666	104,144	117,478	131,494	13,952	97,121	307,796	166,024
Capital	37,583	101,138	107,010	94,160	6,000	129,000	10,010	3,500	23,000	36,556
<b>TOTAL</b>	<b>107,288</b>	<b>209,559</b>	<b>188,662</b>	<b>271,131</b>	<b>198,729</b>	<b>347,514</b>	<b>107,557</b>	<b>194,218</b>	<b>477,719</b>	<b>296,954</b>

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Expenditures

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>TOTAL</b>	<b>107,288</b>	<b>209,559</b>	<b>136,801</b>	<b>261,900</b>	<b>118,091</b>	<b>278,859</b>	<b>102,331</b>	<b>133,668</b>	<b>336,671</b>	<b>273,973</b>

Revenues

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>TOTAL</b>	<b>133,320</b>	<b>149,607</b>	<b>170,579</b>	<b>158,067</b>	<b>291,182</b>	<b>277,710</b>	<b>343,635</b>	<b>351,956</b>	<b>248,889</b>	<b>197,927</b>

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

The Regulatory Agenda for 2003-2004 is attached in the appendix of this report.

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

**Rules for the Administration of the Address Confidentiality Program.** This rule facilitates the administration of the Address Confidentiality Program, which is designed to protect victims of domestic violence, sexual assault and/or stalking by ensuring that State government does not disclose their address. The rule describes the manner and process for application to the program by prospective participants and application assistants. The rule further includes sections on cancellation of program certification, exercise of program participant privileges, program participation renewal, application for agency exemption requests, disclosure to law enforcement and service of process point.

**Administrative Complaint Procedure for Title III of the Help America Vote Act of 2002 (HAVA).** This rule establishes an Administrative Complaint Procedure as required by the Help America Vote Act of 2002 (HAVA). The rule describes the procedure by which a person may make a complaint to the Secretary of State about an alleged violation of Title III of HAVA that has occurred, is occurring or is about to occur. The rule establishes deadlines and notice and hearing requirements for the Secretary of State to follow in resolving complaints. The rule further provides a process for alternative dispute resolution of the matter if not resolved by the Secretary of State within 90 days of the date the complaint was accepted for filing.

### **The Bureau amended the following existing rules during the last regulatory year:**

**Rules for Business Corporations under Title 13-C.** This rule was amended because of changes in the Maine Business Corporation Act that took effect on July 1, 2003. The former Title 13-A was replaced with Title 13-C. Many of the provisions of this rule have been adopted in statute, making the rules redundant.

### **The Bureau updated the following rules during the last regulatory year:**

**Rules for Expedited Services in Corporations.**  
**Rules for the Sale of Publications in Corporations.**  
**Rules for Limited Liability Partnerships under Title 21, Chapter 15.**  
**Rules for Nonprofit Corporations under Title 13-B.**  
**Rules for Limited Partnerships under Title 31, Chapter 11.**  
**Rules for Marks Registered under Title 10, Chapter 301-A.**  
**Rules for Limited Liability Companies under Title 31, Chapter 13.**

(Updates were made to ensure consistency with changes to the Business Corporation Rules or to amend language that has become outdated or in conflict with the statutory requirements.)

**The Bureau repealed the following rules during the last regulatory year:**

**Regulations of Name/Mark for Shopping Carts and Other Containers.** This rule was repealed because PL 1997, chapter 623, section 7, repealed the underlying statutory authority for this rule.

**Rules Governing Automated Telephone Solicitation.** This rule was repealed because PL 1999, chapter 694, section 1, repealed the underlying statutory authority for this rule.

**G. Interagency Cooperation**

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

Internal Revenue Service (IRS):

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

Governor's Office

- to produce and process the qualification paperwork for appointments to state boards and commissions, dedimus justice appointments, and to provide information on the status of vacancies;
- provide information on executive clemency to the public and to keep the records of pardon hearings and decisions;
- provide proclamations of election results for Governor's signature; and
- process and maintain proclamations generally.

Commission on Governmental Ethics and Election Practices:

- to produce the biennial Candidate's Guide, which includes information on qualifications for each office, filing requirements for candidate petitions, information on campaign activities and restrictions, and the campaign finance reporting requirements;
- provide mailing labels for state boards and committees to facilitate mailings; and
- obtain information on campaign reporting deadlines to include in elections calendar.

Office of the Revisor of Statutes:

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



Department of Administration and Financial Services:

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

Department of Attorney General (AG):

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

Department of Human Services (DHS):

- to file child support related liens.

Department of Economic and Community Development (DECD):

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

Department of Labor (DOL):

- to file unemployment compensation related liens.

Department of Professional and Financial Regulation (DPFR):

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

Department of Public Safety:

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

Department of Transportation:

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

State Treasurer's Office:

- to obtain the "Treasurer's Statement" summary for printing in the Citizen's Guide to the Réferendum Election and on the referendum ballots; and
- annually certify documents for the State's Bond Counsel to facilitate issuance of bonds.

Workers' Compensation Board:

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

Law enforcement agencies:

- to provide copies of corporate and UCC documents.

All State Agencies

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

## **H. Constituencies**

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

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

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

## **I. Alternative Delivery Systems**

As previously noted, Department personnel focus on the efficient delivery of services to the public. As part of that effort, substantial strides have been made to enhance citizen access to government information and services through the Internet. Examples of online information and services through CEC are noted below:

**Election Information and Tabulations** -- Through the Department's website ([www.maine.gov/sos](http://www.maine.gov/sos)), election information is always available to the public. Vote tabulations from a number of past elections can be obtained, along with details about any upcoming elections. The Department's main Election Page registered more than 12,000 hits during the first three weeks of October, 2003 in advance of the November referendum election.

**Maine Citizen's Guide to the Referendum** -- The web version of the Maine Citizen's Guide to the Referendum Election reaches far more individuals than the printed version. CEC prints and distributes approximately 2,500 paper copies of the Citizen's Guide each election. By comparison, the online version prepared for the November, 2003 referendum election received a total of more than 21,500 hits. The web offers a more cost-effective delivery mechanism.

**Online Citizen Initiative Packets** -- Information pertaining to the citizen initiative process is now readily available online. This service has reduced the number and duration of calls received in the Election Division. The application and requirements can be obtained through the Department's website. Additionally, since CEC began posting citizen initiative legislation on the Department's website, thousands of hits have been registered. Online access to this information has been useful in answering questions from the public and media.

**Absentee Ballot Applications** -- With absentee ballot applications available online, it is easier than ever for voters to take advantage of Maine's "any reason" absentee balloting law. This online service provides individuals, groups and municipal officials with access to the applications without having to request paper copies from CEC or a municipality.

**Maine Voter Guide and A Guide to Absentee Voting in Maine** -- Posting these guides on the web has enabled CEC to produce far fewer printed versions. At the same time, this alternative delivery mechanism has allowed more people to access the information.

**Registered Voter Information** -- By reporting the numbers of voters registered and enrolled in political parties as of each election on the web, fewer telephone requests for this information have been received in the Election Division.

**Contact Information for Municipal Clerks and Registrars** -- Posting this information on the web has eliminated a need to produce mailing labels from CEC's database for citizen initiative groups, advocacy groups and candidates wishing to contact each municipality.

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

**Online Business Applications and Services** -- With the assistance of InforME, the Department leads all state agencies by offering 15 innovative applications that enable Maine citizens and businesses to access services 24 hours a day, 7 days a week over the Internet at [www.sosonline.gov](http://www.sosonline.gov) or [www.maine.gov/sos](http://www.maine.gov/sos). Online CEC services have been recognized and honored. The "Total UCC Solution," for example, received the **E-Gov Pioneer Award**. This is an international award for excellence in electronic government services. The Total UCC Solution also received the International Association of Commercial Administrators' (IACA) **Merit Award for Excellence in Online Services** in 2002. The "Interactive Corporate Services-Annual Reports Filing" also received IACA's Merit Award for excellence in online services in 2003.

Examples of services offered online are noted below:

**Corporations:**

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

<u>Corporate Name Search and Related Services</u>	(Free/Fee)
Search by name or charter number	(Free)
View information summary for an entity	(Free)
Verify Status	(Free)
View list of filings	(Free)
Verify the authenticity of a certified document	(Free)
Download Certificates of Good Standing	(Statutory Fee)
Download copies of filings	(Statutory Fee)

Document Copy Retrieval Service: (Free)

Retrieve a copy of a document previously downloaded within the last 15 days

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

Preprinted Annual Report: (Free)

Create a preprinted Annual Report for your entity to file on paper with our office

UCC Search (Statutory Fee)

UCC Filing (Statutory Fee)

Debtor Name Index: (Free)

Search of debtor name variations

Authentication Service: (Free)

Verify the authenticity of a certified document retrieved from UCC Search.

Additionally, CEC is currently developing bulk filing for annual reports and UCC filings using XML (extensible markup language). The International Association of Commercial Administrators (IACA) developed this XML standard. CEC officials were involved with its development.

## **J. Emerging Issues**

**Mandatory Training of Clerks and Registrars** -- The Bureau of Corporations, Elections and Commissions will continue to implement the requirement for mandatory training of municipal clerks and registrars of voters that became effective on January 1, 2003. The Bureau plans to offer more regional, small group training sessions and to explore video conferencing and distance learning systems to reach more areas of the state in the most cost effective manner.

**The Help America Vote Act of 2002 (HAVA)** -- The Bureau is charged with meeting the requirements of the federal Help America Vote Act of 2002 (HAVA). Among other election reforms, the Bureau must develop and implement a computerized statewide voter registration list by January 1, 2006.

In anticipation of this requirement, Maine Public Laws 2001, Chapter 637 set forth the general process Maine will use to implement this requirement and established the Centralized Voter Registration Advisory Committee. The Secretary of State has convened the Committee, and will continue to rely on the Committee, municipal election officials, state agencies, and others throughout implementation. The Bureau plans to secure a vendor to develop a system that meets the requirements of both state and federal law, and provides the functionality for each municipality to access the list in real time to make updates and for the State to conduct system-wide updates and duplicate record checks.

The successful development and full implementation of a computerized statewide voter registration list will require the Bureau and selected vendor to meet such challenges as migrating data from 503 municipal jurisdictions and accommodating the infrastructure needs and capabilities of each municipality. It will also require the coordination of data with other agencies, including the Bureau of Motor Vehicles and the Office of Vital Statistics, as required in federal law. The Bureau anticipates that the development, implementation and administration of the computerized statewide voter registration list will consume the most significant portion of resources made available to the State through HAVA.

HAVA also requires that by January 1, 2006 the state provide at least one voting machine in each of Maine's 627 polling places that is accessible to persons with disabilities, including nonvisual accessibility for the blind and visually impaired, to allow these individuals to vote with privacy and independence. The Secretary of State and the Bureau plan to work with municipal election officials, members of disability communities, senior citizen representatives, and other interested parties to select the compliant system(s), undertake a statewide purchase of those systems, and plan and execute the deployment and training for the new systems.

**Electronic Filing of Rulemaking** -- CEC staff members are working to assess the best method for allowing the electronic filing of rulemaking notices, in order to implement the Public Laws of 2003, chapter 207, passed in the First Regular Session of the 121<sup>st</sup> Legislature.

**ABA Entity Regionalization Project** -- The American Bar Association is currently conducting an entity rationalization project which examines the different types of registered business entities across the country. These types include: corporations, limited partnerships, limited liability companies, limited liability partnerships, limited liability limited partnerships and business trusts. The ABA may be making a recommendation to eliminate some of these entities. The ABA may also release a new Revised Limited Partnership Act.

**National Review of UCC Filings** -- A joint task force of the National Association of Secretaries of State (NASS) and the International Association of Commercial Administrators is examining the possible impact of potentially fraudulent filings under the Uniform Commercial Code. This task force may develop model legislation to address the issue.

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

None requested.

#### **L. Comparison of Related Federal Laws**

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

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

**National Voter Registration Act of 1993 (NVRA)** -- Requires voter registration to be offered at motor vehicle offices and certain social service agencies as designated by each state. Also requires each state to ensure that there is a systematic, nondiscriminatory method of voter list maintenance that removes the names of voters who have died or moved to another jurisdiction. Requires a biennial report of the Secretary of State on the number of new registrations and changes of registration (name or address) received via each registration source. Maine enacted enabling state laws in Title 21-A and adopted two rule chapters, Chapters 505 and 506, to assist in the implementation of the requirements of the federal law.

1999 Amendments to the Higher Education Act of 1965 -- This amendment requires each state to provide voter registration applications before each general election to all higher education institutions that participate in federal student aid programs. In 2002, Maine provided over 43,500 Maine voter registration applications and 11,700 federal applications (for out-of-state students) to 37 institutions.

Help America Vote Act of 2002 (HAVA) -- Requires each state to make significant changes, over the next three years, to voting technology and legal requirements for federal elections, and authorizes federal funding to assist states in meeting these requirements. A requirement for obtaining the federal funding was the development of a State Plan outlining how HAVA will be implemented in the state, and how monies appropriated to meet these requirements will be expended.

Maine already meets many HAVA requirements, such as posting of certain information at each polling place, and providing provisional ballots for persons whose eligibility to vote has been questioned or whose names have been improperly removed from the voting list. Two major technology requirements that the state will have to meet are the implementation of the computerized statewide central voter registration list and the placement of voting equipment in each voting place that allows persons with disabilities to vote with privacy and independence.

Maine amended several sections of Title 21-A in the First Regular Session of the 121<sup>st</sup> Legislature to begin the implementation of the requirements of HAVA.

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

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

## **N. List of Reports**

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

Forms for business and nonprofit corporations, marks and limited partnerships have existed since the time the Bureau assumed responsibility for these filing programs. For the new limited business entities, the laws became effective on January 1, 1995 for limited liability companies and September 1, 1996 for limited liability partnerships.

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

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

The Division is planning to provide more online filing applications to reduce the number of paper documents submitted to the Division.



## MAINE STATE ARCHIVES

### **A. Enabling Legislation**

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

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

The Maine State Archives serves State and local governments by providing a professional archival program to preserve over 92 million pages of Maine's permanently valuable government records for use by government officials and the public, and by providing records management services for the efficient administration of government records including microfilming and photographic services for preserving and copying 2 million pages of selected material per year.

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

This is accomplished with modern records management techniques: establishing disposition schedules under which agencies may systematically destroy records having no permanent value to the State; providing technical assistance in a variety of specialized fields such as files, forms, general records management procedures, and office equipment management; by providing centralized storage facilities for over 130 million pages of records that must be retained temporarily, but which need not be maintained in high-cost office space; and by retrieval services accessing 15,000 of those items per year.

The Maine State Archives also serves as the standards laboratory to ensure that all filming and imaging of State records meets established standards of quality. Professional archival services provided by the Archives include the selection and preservation of records that have permanent value to the State, accompanied by the application of specialized techniques designed to make these records readily accessible for use by government officials and the public.

These techniques include the identification and arrangement of records; development of inventories, guides, and database indexes to records; direct reference assistance to 5,200 in-person users and 8,399 telephone, mail and e-mail requests per year; on-line access to index databases and selected records; maintenance of security to protect records from theft or damage; and publication in paper and microform of selected records having high public demand.

To improve public understanding of the value of historical records, both governmental and private, the Archives has supported several initiatives. These include attracting federal funds for the preservation of historical records; coordinating Maine National History Day, a competition for grades 6-12 to enhance student use and appreciation of historical records; supporting Maine Archives and Museums, a statewide organization of historical societies, museums and archives; and membership in the Council of State Historical Records Coordinators, which promotes the importance of historical records and advocates for federal support of state record needs.

**Archives Goal:**

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

**Archives Objective:**

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

**Archives Strategy:**

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

**Performance Budget Measures:**

Performance Measures		FY 2002	FY 2003	FY 2004	FY 2005
1	Number of documents retrieved for State agencies.	48,647	15,000 (projection) 14,913 (actual)	15,000	15,000
2	Number of documents retrieved for the public.	38,406	45,000 (projection) 66,961 (actual)	40,000	40,000
3	Number of public queries on electronic databases.	579,000	600,000 (projection) 500,000 (actual)	600,000	600,000
4	Number of document pages preserved.	245,443	250,000 (projection) 476,548 (actual)	180,000	180,000
5	Number of document pages maintained (millions).	220	222 (projection) 224 (actual)	226	228
6	Customer satisfaction rating (1-best to 5-worst)	1.19	1.15 (projection) 1.15 (actual)	1.40	1.30

(Note: Information for FY 2002 is actual. FY 2004 and 2005 are projections.)

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

The **number of documents retrieved for State agencies** (performance measure 1) declined when the largely self-service storage and access to backup computer tapes were removed to the Bureau of Information Services. It should remain level at 15,000 for the foreseeable future.

The **number of documents retrieved for the public** (performance measure 2) has actually increased to over 65,000 in FY 2003, far in excess of the expected 45,000, due primarily to increased copying of original records and use of microfilm.

**Public queries on electronic databases on the Internet** (performance measure 3) were approximately 500,000 in FY 2003. This apparent decline is due to several factors: change by the Bureau of Information Services which limit access to the "counter" for our Internet marriage and death databases; and reduced access to internal databases because of changes by BIS in network architecture requiring new security provisions not yet in place. A new database of Archives' holding will be in place by December, 2003 and should expand the number of users each year.

The actual number of **document pages preserved** (performance measure 4) spiked due to an intense refilming of vital records to improve image quality and to distribute them to other repositories. In FY04 and FY05 number of documents preserved is expected to decline due to budget restrictions and diversion of staff time to service research customers.

The number of **document pages maintained** (performance measure 5) will be relatively stable, partly because of difficulty in recruiting a qualified person for our Records Management Analyst position. This position, among other tasks, identifies documents that should be retained permanently. Some increases may come from the Maine Court System, which periodically deposits a large amount of material.

**Customer satisfaction rating** (performance measure 6) will remain generally high, but may decline slightly due to limited resources and high demand for information and other services.

## **Additional Goals :**

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

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

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

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

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

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

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

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

### Provide Access to Records Stored for Administrative Efficiency

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

### Acquisition of Archival and Records Center Material

- Bring permanently valuable records into appropriate storage.
- Remove seldom-referenced records that cannot yet be destroyed from high-cost office space to lower-cost Records Center storage.

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

- Original Records -- Repair and rehabilitate deteriorating records and maintain records in conditions that will ensure their survival.
- Security Copies -- Microfilm heavily used records in order to restrict handling of originals, preserve them on an archival film medium, and provide additional security with off-site storage of copies of the microfilm.

### Identification and Intellectual Control of Official Records

- Identify Permanent Records -- Identify permanent records so they will be properly cared for while active and will be transferred to the Maine State Archives when no longer of use to their creators. Special targeting of electronic records has been a priority but has not acquired the necessary financial support.
- Retention for Access -- Protect public access rights and reduce unnecessary records storage costs by establishing appropriate retention periods for non-permanent records.
- Prevent Premature Destruction -- Without this program some records will be destroyed too quickly (thus compromising citizens' rights of access).
- Cost-Effectiveness -- Without this program some records will be held for needlessly lengthy periods (thus expending state funds that could better be used elsewhere).

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

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

### Support for Historical Records Needs Throughout Maine

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

<b>C. Organizational Structure</b>
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*(See Organizational Flow Chart on next page.)*

# Maine State Archives

## Organizational Flow Chart

**Secretary of State**

Planning and Research Associate II  
849  
013-29C-0050-03  
014-29C-0050-01

**State Archivist**  
075300001  
010-29C-0050-01

Clerk Typist III  
075300151  
010-29C-0050-01

Records Management Services Division Director  
075300151  
010-29C-0050-01

Archives Services Division Director  
075300051  
010-29C-0050-01

Management Analyst I  
075300161  
010-29C-0050-01

Records Center Supervisor  
075300294  
010-29C-0050-01

Photographer II  
075300241  
010-29C-0050-01

Archivist III  
07530121  
010-29C-0050-01

Archivist II  
075300021  
010-29C-0050-01

Records Technician  
075300181  
010-29C-0050-01

Photographer I  
075300002  
010-29C-0050-01

Archivist I  
075300031  
010-29C-0050-01

Microphotographer  
075300261  
010-29C-0050-01

Records Technician II  
075300041  
010-29C-0050-01

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Position Count	
14	010-29C-0050-01
.5	013-29C-0050-03
.5	014-29C-0050-01



## **D. Compliance**

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

## **E. Financial Summary**

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

Department of the Secretary of State  
**MAINE STATE ARCHIVES**

General Fund - Administration

Allocations

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Pers Svcs	507,851	553,636	573,390	596,144	603,986	617,318	639,570	661,941	689,562	711,442
All Other	64,750	68,504	71,207	82,910	89,598	100,434	180,873	138,857	167,833	172,752
Capital			46,648	15,153	17,310		131,500	57,852	72,037	
<b>TOTAL</b>	<b>572,601</b>	<b>622,140</b>	<b>691,245</b>	<b>694,207</b>	<b>710,894</b>	<b>717,752</b>	<b>951,943</b>	<b>858,650</b>	<b>929,432</b>	<b>884,194</b>

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Expenditures

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>TOTAL</b>	<b>572,602</b>	<b>622,140</b>	<b>677,381</b>	<b>692,831</b>	<b>705,692</b>	<b>714,518</b>	<b>949,237</b>	<b>835,664</b>	<b>917,928</b>	<b>879,109</b>

Revenues

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>TOTAL</b>	<b>55,987</b>	<b>47,104</b>	<b>47,478</b>	<b>43,702</b>	<b>49,164</b>	<b>51,997</b>	<b>28,649</b>	<b>26,694</b>	<b>25,492</b>	<b>26,449</b>

Department of the Secretary of State  
**MAINE STATE ARCHIVES**

Dedicated Revenue Account

Allocations

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Pers Svcs			9,846		700	24,679	13,036	4,983	4,852	10,873
All Other	4,597	9,153	5,233	20,793	15,443	21,086	17,075	49,789	50,394	30,810
Capital	3,384	1,829		7,000			20,000			
<b>TOTAL</b>	<b>7,981</b>	<b>10,982</b>	<b>15,079</b>	<b>27,793</b>	<b>16,143</b>	<b>45,765</b>	<b>50,111</b>	<b>54,772</b>	<b>55,246</b>	<b>41,683</b>

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Expenditures

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>TOTAL</b>	<b>7,981</b>	<b>10,982</b>	<b>12,196</b>	<b>17,471</b>	<b>12,776</b>	<b>32,308</b>	<b>43,395</b>	<b>37,406</b>	<b>54,602</b>	<b>35,562</b>

Revenues

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
<b>TOTAL</b>	<b>17,652</b>	<b>17,595</b>	<b>15,810</b>	<b>22,718</b>	<b>19,069</b>	<b>23,317</b>	<b>24,534</b>	<b>29,345</b>	<b>43,256</b>	<b>31,589</b>

## F. Regulatory Agenda and Summary of Rules Adopted

**Rules for the Disposition of Local Government Records** -- These rules are revised as needed, usually every one to two years to insure that historically important documents are preserved and that others may be destroyed in a timely manner. They provide legally binding guidance regarding how long county, town, school and other local government records must be kept, and when some may be destroyed. The most recent regulatory agenda is attached.

**Rules for Public Use of Materials and Facilities in the Maine State Archives** -- These rules protect the historic documents held by the Maine State Archives by regulating their use. Their goals are to preserve original records from abuse and destruction; to insure proper security against theft; and to advise researchers about opportunities to view and copy these records.

## G. Interagency Cooperation

The Maine State Archives works cooperatively with a number of state and federal agencies on a variety of matters dealing with the preservation of historic, sensitive and culturally significant public records. Specifically, the Archives cooperates with the following agencies to carry out its responsibilities:

*Maine Cultural Affairs Council* (Maine State Library, the Maine State Museum, the Maine Arts Commission, the Maine Historic Preservation Commission, and the nonprofit Maine Historical Society and Maine Humanities Council):

- to carry out the award-winning State-funded New Century Community Program of coordinated grants to community organizations across Maine.

*Maine State Library:*

- to obtain local area computer network services through a mutual agreement for services within the Cultural Building.

*Maine State Museum:*

- to obtain exhibit cases and assistance;
- to provide photographic consultation and production of photo prints and negatives; this is a cooperative, non-financial arrangement; and
- to avoid potentially redundant grant application procedures.

National Historical Publications and Records Commission:

- to secure funding for use in assisting local community organizations preserve and provide access to historical records. The Archives' close relationship with this Commission is made possible through the Maine Historical Records Advisory Board. The Commission is an agency of the National Archives. As a result of this relationship, the Archives and the Board have received over \$350,000 since 1991, most of which has been granted to local community organizations to preserve and provide proper access to their historical records. In addition, the Board has assisted other Maine institutions (colleges, libraries, historical societies) in receiving an additional \$548,000 from this federal agency.

The National Endowment for the Humanities:

- to secure \$76,000 for the establishment of the Maine Newspaper Project, which identifies, catalogs and, to the extent funding is available, arranges for the microfilming of historic Maine newspapers.

Beyond these specific examples of collaboration, interagency cooperation has helped to eliminated redundant activities and possible duplication of services. The County Records Advisory Board and Municipal Records Advisory Board, for example, have been eliminated (through legislation requested by the Archives) and their functions absorbed by the already existing Archives Advisory Board.

Additionally, as part of the State-funded New Century Community Program, the Archives and the Museum provided grants to local community organizations, such as historical societies, museums and libraries. The Archives' grants are to preserve and provide access to historical records; the Museum's grants are to do the same for museum objects and artifacts. At the same time, the Archives has been administering a small grant program funded by the federal government. All three grant programs were administered through one application process regardless of the funding source, thus eliminating duplicate application for the applicants, and streamlining our processing of the applications.

## **H. Constituencies**

### Archives Services Program

*Family history amateur researchers.* The largest proportion of researchers -- at the Archives and via the Internet, e-mail, telephone and U.S. mail -- are members of public seeking information about their ancestors and relatives. During the past five years, there has been a substantial shift to Internet use and a desire to access Archives databases, which we expect to expand. From June through October a large proportion of these researchers are non-residents.

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

*Academic researchers.* Though unpredictable, academic researchers (graduate students, historians, authors) can sometimes place a substantial demand on staff time in locating, retrieving, and copying large numbers of public records.

*State government staff.* Staff of the Legislature and Attorney General's Office are the major State government users of archival records -- researching legislative intent, early legislation, court cases and criminal case files.

*Local history researchers.* Occasionally, representative of local historical societies, towns, or teachers will seek information about town history, veterans from the community, maps, photographs, laws affecting the town, etc.

### **Records Management Services Program**

*All State agencies.* Regardless of changes in media (paper, film, digital) or format (moving images, photographs, databases, etc.), all State records must be retained or destroyed according to legally binding rules established by statute, the State Archives, and the Archives Advisory Board. The Records Management staff assists agency staff in complying with these requirements. The State Records Center maintains approximately 130 million low-use State records in off-site storage to relieve the pressure on high-value office space. These records are retrieved for the agencies with the assistance of our staff.

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

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

### **Historical Records Program**

*Large historical records institutions.* These institutions (colleges, libraries, large historical societies and museums) seek federal funding for large-scale (\$5,000-\$150,000) historical records preservation and access projects. The Maine Historical Records Advisory Board provides them with advice about application procedures, areas of interest for funding, and critical reviews of draft proposals. The Board then makes a final recommendation to the National Historical Publications and Records Commission.

*Medium to small institutions and local governments.* Through a series of federal grants, and occasional State funds, the Archives has provided advice, training, and small (\$500-\$3,000) grants to these entities for the preservation of, and access to, their historical records.

## Maine National History Day

*Maine students and teachers.* This program, administered by the Archives and sponsored by several other nonprofit institutions and the Maine State Library, provides an opportunity for students to demonstrate their understanding of historical research through the use of primary sources. The annual contest, usually held in April, assesses students through performances, research papers, exhibits, or documentaries (videos, digital moving images, computer presentations). Maine winners attend the National History Day contest in June.

## **I. Alternative Delivery Systems**

**Internet** -- The Maine State Archives has moved millions of records or indexes of records to the Internet during the past five years. This allows researchers to determine whether the Archives has the material they are seeking and to obtain certain summary information directly.

**Private and other public institutions** -- In the past two years the Archives has distributed over 500,000 documents on microfilm records to each of seven institutions across the state: The State Library, University of Maine at Presque Isle; Fogler Library, University of Maine, Orono; Penobscot Marine Museum, Searsport; Maine State Library, Augusta; Maine Historical Society, Portland; Portland Public Library, Portland; Springvale Public Library, Springvale Village, Sanford.

## **J. Emerging Issues**

**Preservation of archival State records in digital format** -- Currently many of these records are being lost due to media failure, format obsolescence, lack of commitment to maintain them, and lack of Archives' staff to implement our *Digital Records Management Plan*. Currently the Archives and the Maine Office of GIS have a federal grant proposal pending to create a GeoArchives, to complement the existing State GeoLibrary.

**Expansion and/or major renovation of the Maine State Cultural Building** -- The building has required many costly repairs, often after water problems threatened archival documents. Air handling systems are not adequate to maintain a proper storage environment for archival records. Within 3-5 years, not enough space will be available to store the State's archival records. Detailed plans and specifications have been developed for possible consideration.

**Increase remote, digital access to copies of archival records** -- The demand for this service is growing constantly; the cost of meeting the demand is very great; current staff should not be diverted from preservation tasks to attempt meet the demand. The Archives is exploring transferring (archival) microfilm images to (non-archival) digital images to improve access. Issues of image format standards, and indexing (standards and data input) are serious barriers.

## K. Other Information Specifically Requested by the Committee

None requested.

## L. Comparison of Related Federal Laws

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

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

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

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

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

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

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

1 MRSA, Chapter 13, Subchapter 1 Freedom of Access

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

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

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



## 16 MRSA, Chapter 3, Records and Other Documents

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

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

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

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

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

**General** -- The Archives does not collect Social Security or health information in any form.

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

**Internal electronic** -- Requests received by mail and e-mail are managed on an internal database. Name, address, telephone number and e-mail information is captured to track the Archives' response to requests, to assess our performance in responding to requests, and to facilitate recurring requests from the same individual. Personal information for researchers who have not made a request in three years is deleted from the database.

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

## **N. List of Reports**

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

## Appendices

29-250  
Secretary of State  
Bureau of Corporations, Elections and Commissions  
2003-2004 Regulatory Agenda

AGENCY UMBRELLA/UNIT NUMBER: 29-250

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

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

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

**CHAPTER 200:** Rules for the use of expedited service in Corporations

STATUTORY AUTHORITY: 10 MRSA § 1527-B; 13-B MRSA § 1402-A; 13-C MRSA § 124; 31 MRSA § 414; 31 MRSA § 613; and 31 MRSA § 813.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

AFFECTED PARTIES: All customers of the Division of Corporations.

**CHAPTER 201:** Rules for the sale of publications in Corporations

STATUTORY AUTHORITY: 10 MRSA § 1527-D; 13 MRSA § 905; 13-B MRSA § 1405; 13-C MRSA § 143; 31 MRSA § 416; 31 MRSA § 615; and 31 MRSA § 815.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

AFFECTED PARTIES: All customers of the Division of Corporations.

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

STATUTORY AUTHORITY: 31 MRSA § 812.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

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

STATUTORY AUTHORITY: 13-C MRSA § 141.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

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

STATUTORY AUTHORITY: 13-B MRSA § 1302-A.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

**CHAPTER 270:** Rules for Limited Partnerships under Title 31, Chapter 11

STATUTORY AUTHORITY: 31 MRSA § 413.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

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

STATUTORY AUTHORITY: 10 MRSA § 1527-A, sub-§ 1.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

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

STATUTORY AUTHORITY: 31 MRSA § 612.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

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

STATUTORY AUTHORITY: 11 MRSA § 9-1526.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

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

STATUTORY AUTHORITY: 21-A MRSA § 161, sub-§ 2.

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

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

**CHAPTER 506:** Rules for the Change of Address Confirmation Card, Voter Registration Acknowledgment Notice, and Address Verification Notice under Title 21-A

**STATUTORY AUTHORITY:** 21-A MRSA § 162-A, sub-§ 3.

**PURPOSE:** The statutory authority for this chapter was repealed effective 9/21/2001. The Secretary of State will repeal this chapter.

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** All municipalities in the State of Maine.

**CHAPTER 510:** Administrative Complaint Procedure for Title III of the Help America Vote Act of 2002 (HAVA)

**STATUTORY AUTHORITY:** 21-A MRSA § 222.

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

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** Any person who wishes to file a complaint alleging a violation of HAVA.

**CHAPTER 700:** Rules Governing Eligibility and Procedures for Appointment and Renewal of Commissions of Notaries Public

**STATUTORY AUTHORITY:** 5 MRSA § 82.

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

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** Any person applying for a notary public commission or renewing the commission.

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

**STATUTORY AUTHORITY:** 5 MRSA § 8056 sub-§ 8.

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

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** All rulemaking agencies.

**CHAPTER 900:** Administration of Address Confidentiality Program

**STATUTORY AUTHORITY:** 5 MRSA § 90-B.

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

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** Victim of domestic abuse, sexual assault or stalking who wish to limit access to their addresses.

**CHAPTER (New):** Rules for the Sale of Informational Publications to Notaries Public  
STATUTORY AUTHORITY: 5 MRSA § 82-A, sub-§ 1.

PURPOSE: The Secretary of State may find it necessary to adopt rules for the sale of informational publications to notaries public and establish a fee schedule for the same.

ANTICIPATED SCHEDULE: Prior to October, 2004.

AFFECTED PARTIES: All interested persons who wish to be commissioned as notaries public and all presently commissioned notaries public.

**CHAPTER (New):** Authority to Adopt or Amend Rules to Specify the Reportable Categories or Types of and the Procedures and Forms for Reporting and to Administer 5 MRSA § 19

STATUTORY AUTHORITY: 5 MRSA § 19 sub-§ 5.

PURPOSE: The Secretary of State may find it necessary to adopt rules to specify the reportable categories or types and the procedures and forms for reporting.

ANTICIPATED SCHEDULE: Prior to October, 2004.

AFFECTED PARTIES: Major policy-influencing executive employees

**CHAPTER (New):** Rules for Food Security Act filings under Title 5, Section 90-A

STATUTORY AUTHORITY: 5 MRSA § 90-A.

PURPOSE: The Secretary of State may find it necessary to adopt rules for procedures for filing FSA liens and requests for information as well as establishing a fee schedule.

ANTICIPATED SCHEDULE: Prior to October, 2004.

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

**CHAPTER (New):** Rules for Filing of Documents by Electronic Transmission

STATUTORY AUTHORITY: 10 MRSA § 1527-A, sub-§ 1; 13-B MRSA § 106, sub-§ 5; 13-C MRSA § 141; 31 MRSA § 413, sub-§ 4; 31 MRSA 612, sub-§ 4; and 31 MRSA § 812, sub-§ 4.

PURPOSE: The Secretary of State may find it necessary to adopt rules to establish procedures for electronic filing of documents with the Division of Corporations.

ANTICIPATED SCHEDULE: Prior to October, 2004.

AFFECTED PARTIES: Any customer wishing to file documents with the Division of Corporations.

**CHAPTER (New):** Rules Regarding Access to the Corporate Database

STATUTORY AUTHORITY: 10 MRSA § 1527-C; 13 MRSA § 904; 13-B MRSA § 1404; 13-C MRSA § 142; 31 MRSA § 415; 31 MRSA 614; and 31 MRSA § 814.

PURPOSE: The Secretary of State may find it necessary to adopt rules to establish procedures governing access to the Corporate and UCC databases through dial-in modem, public user workstations, and electronic duplicates of the database as well as establishing a fee schedule.

ANTICIPATED SCHEDULE: Prior to October, 2004.

AFFECTED PARTIES: Any customer wishing to gain access to the databases of the Division of Corporations.

**CHAPTER (New):** Rules for Approval of Voting Machines and Electronic Tabulating Systems Used by Municipalities

STATUTORY AUTHORITY: 21-A MRSA § 809, sub-§ 1.

**PURPOSE:** The Secretary of State and the Attorney General may find it necessary to adopt rules to establish criteria and the process for the approval of voting machines and electronic tabulating systems as well as standards for removing approval for machine(s) or system(s) that do not continue to meet the approval criteria.

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** Any municipality that may want to use new voting machines and electronic voting systems.

**CHAPTER (New):** Rules for the Use of Voting Machines and Electronic Tabulating Systems

**STATUTORY AUTHORITY:** 21-A MRSA § 813 and 844.

**PURPOSE:** The Secretary of State may find it necessary to adopt rules relating to the use of voting machines and electronic tabulating systems.

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** Municipalities using voting machines and electronic tabulating systems.

**CHAPTER (New):** Rules Relating to Initiative and People's Veto Questions

**STATUTORY AUTHORITY:** 21-A MRSA § 901, sub-§ 4.

**PURPOSE:** The Secretary of State may find it necessary to adopt rules to establish guidelines for the wording of initiative and people's veto questions as well as allowing the Secretary of State to clarify the wording of the questions as they appear on the petitions and ballots.

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** Anyone initiating legislation or a people's veto question, and the voters of the State of Maine, by assuring that initiative and people's veto questions are written in a clear and concise manner.

**CHAPTER (New):** Rules for the Implementation and Administration of a Centralized Voter Registration System

**STATUTORY AUTHORITY:** 21-A MRSA § 194.

**PURPOSE:** The Secretary of State may find it necessary to adopt rules to assist with the implementation and administration of a central voter registration system including the pricing, accessibility and availability of information contained in the database.

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

**AFFECTED PARTIES:** All municipalities, candidates and political parties.

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

**STATUTORY AUTHORITY:** 10 MRSA § 9503.

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

**ANTICIPATED SCHEDULE:** Prior to October, 2004.

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

**LIST OF REPORTS, APPLICATIONS AND OTHER PAPERWORK REQUIRED TO BE FILED WITH THE  
BUREAU OF CORPORATIONS, ELECTIONS AND COMMISSIONS**

**DIVISION OF CORPORATIONS AND UCC**

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Articles/Certificate of Inter-Entity Consolidation	\$150	CONS	31 MRSA §417 or §741-A		7/1/03	As needed by an entity	2	0	0	0
Articles/Certificate of Conversion	\$125	CONV	31 MRSA §418 or §746		7/1/03	As needed by an entity	30	28	30	30
Application for Inclusion on List of Registered Agents	\$0	CORP-1	By Administrative Rule, chapters 240, 250, 260, 270 and 290		4/16/01	As needed by an entity	8	11	9	9
Application for Inclusion on List of Stock Search Companies	\$0	CORP-1A	As a courtesy		4/16/01	As needed by an entity	3	5	4	4
Application of Credit for Expedited Service	\$0	CORP-3	By Administrative Rule, chapters 200 and 401		7/24/01	As needed by an entity	87	54	70	70
Application for Inclusion on List of Service Companies	\$0	UCC-108	As a courtesy		4/16/01	As needed by an entity	3	5	4	4
Application for Registration of a Mark	\$50	MARK-1	10 MRSA §1522		4/16/01	As needed by an entity	287	318	300	300
Application for Renewal of a Mark	\$50	MARK-2	10 MRSA §1524		4/16/01	As needed by an entity	86	69	75	75
Application for Amendment of the Classification of a Mark	\$10	MARK-3	10 MRSA §1525-A		4/16/01	As needed by an entity	0	0	0	0
Application for Assignment of a Mark	\$40	MARK-4	10 MRSA §1525		4/16/01	As needed by an entity	22	52	37	37
Application for Reservation of Name	\$20	MBCA-1	13-C MRSA §402(1)		7/1/03	As needed by an entity	120	94	100	100
Articles/Certificate of Merger or Share Exchange	\$80	MBCA-10	13-C MRSA §1106, §1107, 31 MRSA §417 or §741-A		10/2/03	As needed by an entity	331	249	290	290
Statement of Abandonment of Merger or Share Exchange	\$35	MBCA-10A	13-C MRSA §1108(2)	7/1/03		As needed by an entity	0	0	0	0
Articles of Dissolution	\$55	MBCA-11	13-C MRSA §1404		9/8/03	As needed by an entity	424	442	430	430



Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Articles of Revocation of Dissolution	\$55	MBCA-11A	13-C MRSA §1405(3)	7/1/03		As needed by an entity	0	0	0	0
Articles of Dissolution by Incorporators or Initial Directors	\$55	MBCA-11I	13-C MRSA §1401		7/1/03	As needed by an entity	0	0	0	0
Application for Authority to do Business for Foreign Business Corporation	\$250	MBCA-12	13-C MRSA §1503		7/1/03	As needed by an entity	1059	1125	1100	1100
Amended Application for Authority to do Business for Foreign Business Corporation	\$70	MBCA-12A	13-C MRSA §1504		7/1/03	As needed by an entity	805	584	695	695
Application of Withdrawal for Foreign Business Corporations	\$70	MBCA-12B	13-C MRSA §1521 or §1523		7/1/03	As needed by an entity	344	280	300	300
Application for Transfer of Authority	\$70	MBCA-12C	13-C MRSA §1524	7/1/03		As needed by an entity	0	0	0	0
Change of Registered Agent and/or Registered Office for Foreign Business Corporation	\$20	MBCA-12D	13-C MRSA §1507		7/1/03	As needed by an entity	719	390	500	500
Notice of Resignation of Registered Agent for Foreign Business Corporations	\$20	MBCA-12E	13-C MRSA §1507(5)		7/1/03	As needed by an entity	22	15	18	18
Annual Report - Business Corporation	\$60	MBCA-13	13-C MRSA §1621		7/1/03	Annually	34928	34685	34500	34500
Amended Annual Report - Business Corporations	\$60	MBCA-13A	13-C MRSA §1623	7/1/03		As needed by an entity	0	0	25	25
Certificate of Excuse for Domestic Business Corporations	\$20	MBCA-14	13-C MRSA §1621(4)		7/1/03	As needed by an entity	173	196	185	185
Certificate of Resumption for Domestic Business Corporations	\$80	MBCA-14A	13-C MRSA §1621(5)		7/1/03	As needed by an entity	20	17	18	18
Application for the Use of an Indistinguishable Name	\$20	MBCA-15	13-C MRSA §401(4)		7/1/03	As needed by an entity	176	160	168	168
Articles of Correction	\$35	MBCA-17	13-C MRSA §126		7/1/03	As needed by an entity	77	70	75	75

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Acceptance of Appointment as Clerk or Registered Agent for Business Corporations	\$0	MBCA-18	13-C MRSA §202(5), §501(3), §1503(3) or §1507(3)		7/1/03	As needed by an entity	5121	5261	5200	5200
Transfer of Reserved Name	\$20	MBCA-1A	13-C MRSA §402(2)		7/1/03	As needed by an entity	12	5	9	9
Application for Registration or Renewal of Name - Foreign Business Corporation	\$200	MBCA-2	13-C MRSA §403		7/1/03	As needed by an entity	151	117	134	134
Change of Clerk and/or Registered Office for Domestic Business Corporations	\$20	MBCA-3	13-C MRSA §501		10/8/03	As needed by an entity	2777	2250	2500	2500
Notice of Resignation of Clerk for Domestic Business Corporations	\$20	MBCA-3A	13-C MRSA §501(5)		7/1/03	As needed by an entity	274	268	271	271
Statement of Intention to do Business Under an Assumed or Fictitious Name	\$105 or \$20	MBCA-5	13-C MRSA §404		7/1/03	As needed by an entity	653	645	650	650
Termination of Statement of Intention to do Business Under an Assumed or Fictitious Name	\$20	MBCA-5A	13-C MRSA §404(8)		7/1/03	As needed by an entity	85	70	75	75
Articles of Incorporation	\$125	MBCA-6	13-C MRSA §202		7/1/03	As needed by an entity	2506	2492	2500	2500
Articles of Incorporation to accompany certain types of domestications, conversions or mergers	see fee for specific type of filing	MBCA-6-1	13-C MRSA §923, §942, §955(2), §955(3), §1106 or §1107		9/8/03	As needed by an entity	0	0	10	10
Restated Articles of Incorporation for Domestic Corporations	\$80	MBCA-6A	13-C MRSA §1007		7/1/03	As needed by an entity	19	13	15	15
Articles of Amendment for Domestic Business Corporations	\$35	MBCA-9	13-C MRSA §1006		7/1/03	As needed by an entity	452	420	436	436

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Articles of Amendment as order by a Court for Domestic Business Corporations	\$35	MBCA-9A	13-C MRSA §1008	7/1/03		As needed by an entity	0	0	0	0
Articles of Domestication	\$125	MBCA-19	13-C MRSA §923	7/1/03		As needed by an entity	0	0	10	10
Articles of Charter Surrender upon Domestication	\$70	MBCA-19A	13-C MRSA §924 and §925	7/1/03		As needed by an entity	0	0	10	10
Statement of Abandonment of Domestication by a Domestic or Foreign Business Corporation	\$35	MBCA-19B	13-C MRSA §926	7/1/03		As needed by an entity	0	0	0	0
Articles of Nonprofit Conversion	\$125	MBCA-20	13-C MRSA §933	7/1/03		As needed by an entity	0	0	0	0
Articles of Charter Surrender upon Nonprofit Conversion	\$70	MBCA-20A	13-C MRSA §934 or §935	7/1/03		As needed by an entity	0	0	0	0
Statement of Abandonment of Nonprofit Conversion	\$35	MBCA-20B	13-C MRSA §936	7/1/03		As needed by an entity	0	0	0	0
Articles of Entity Conversion for Domestic Business Corporation	\$125	MBCA-21	13-C MRSA §955(1)	7/1/03		As needed by an entity	0	0	5	5
Articles of Entity Conversion for Domestic or Foreign Unincorporated Entity	\$125	MBCA-21A	13-C MRSA §955(2) or §955(3)	7/1/03		As needed by an entity	0	0	5	5
Articles of Charter Surrender upon Entity Conversion	\$70	MBCA-21B	13-C MRSA §956 and §957	7/1/03		As needed by an entity	0	0	5	5
Statement of Abandonment of Entity Conversion	\$35	MBCA-21C	13-C MRSA §958	7/1/03		As needed by an entity	0	0	0	0
Certificate of Organization	\$0	MLC-6	13 MRSA §3021		10/1/03	As needed by an entity	18	18	18	18
Application for Reservation of Name - Limited Liability Companies	\$20	MLLC-1	31 MRSA §604-A(1)		7/1/03	As needed by an entity	65	87	76	76

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Certificate of Merger of Limited Liability Companies	\$80	MLLC-10	31 MRSA §744(1)		4/16/01	As needed by an entity	17	8	12	12
Certificate of Consolidation of Limited Liability Companies	\$80	MLLC-10A	31 MRSA §744(1)		4/16/01	As needed by an entity	0	0	0	0
Certificate of Cancellation of Articles of Organization of Limited Liability Company	\$35	MLLC-11C	31 MRSA §625		4/16/01	As needed by an entity	87	151	120	120
Articles of Amendment by a Majority in Interest of the Members	\$35	MLLC-11L	31 MRSA §623(5)		4/16/01	As needed by an entity	0	0	0	0
Articles of Amendment by Liquidating Trustees for Domestic Limited Liability Companies	\$35	MLLC-11T	31 MRSA §623(5)		4/16/01	As needed by an entity	0	0	0	0
Application for Authority to do Business by Foreign Limited Liability Companies	\$250	MLLC-12	31 MRSA §612(3)		7/1/03	As needed by an entity	352	403	375	375
Application for Authority to do Business by Foreign Limited Liability Companies to accompany Application for Transfer of Authority	see fee for specific type of filing	MLLC-12-1	31 MRSA §712(3)	7/1/03		As needed by an entity	0	0	0	0
Amended Application for Authority to do Business by Foreign Limited Liability Companies	\$70 or \$30	MLLC-12A	31 MRSA §715		7/1/03	As needed by an entity	100	105	100	100
Cancellation of Authority to do Business by Foreign Limited Liability Companies	\$70	MLLC-12B	31 MRSA §717		4/16/01	As needed by an entity	27	55	40	40
Change of Registered Agent Only or Change of Registered Agent and Registered Office by Foreign LLC	\$30	MLLC-12C	31 MRSA §714(6)		4/16/01	As needed by an entity	58	38	50	50

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Notification by Registered Agent of Change In Name or Registered Office by Foreign LLC	\$30	MLLC-12D	31 MRSA §714(3)(B)		4/16/01	As needed by an entity	78	8	43	43
Notice of Resignation of Registered Agent of Foreign Limited Liability Companies	\$30	MLLC-12E	31 MRSA §714(4)		4/16/01	As needed by an entity	2	1	1	1
Annual Report - Limited Liability Company	\$60	MLLC-13	31 MRSA §757		7/1/03	As needed by an entity	5860	7434	6647	6647
Application for the Use of an Indistinguishable Name	\$20	MLLC-15	31 MRSA §603-A(4)	7/1/03		As needed by an entity	53	43	48	48
Certificate of Correction of Domestic Limited Liability Companies	\$20	MLLC-17	31 MRSA §624		4/16/01	As needed by an entity	20	59	40	40
Certificate of Correction by Foreign Limited Liability Companies	\$30	MLLC-17A	31 MRSA §716		4/16/01	As needed by an entity	3	0	1	1
Acceptance of Appointment as Registered Agent of Limited Liability Companies	\$0	MLLC-18	31 MRSA §607(2) or §714(2-A)		4/16/01	As needed by an entity	2597	3293	2950	2950
Transfer of Reserved Name - Limited Liability Companies	\$20	MLLC-1A	31 MRSA §604-A(2)		7/1/03	As needed by an entity	2	14	8	8
Application for Registration or Renewal of Name for Foreign Limited Liability Companies	\$155	MLLC-2	31 MRSA §606-A		7/1/03	As needed by an entity	0	4	2	2
Change of Registered Agent Only or Change of Registered Agent and Registered Office for Domestic LLC	\$20	MLLC-3	31 MRSA §607(3) and §607(4)		4/16/01	As needed by an entity	196	258	225	225
Notice of Resignation of Registered Agent of Domestic LLC	\$20	MLLC-3A	31 MRSA §607(5)		4/16/01	As needed by an entity	35	41	38	38

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Notification by Registered Agent of Change in Name or Registered Office or Both of Domestic LLC	\$20	MLLC-3B	31 MRSA §607(3)(B)		4/16/01	As needed by an entity	138	225	180	180
Statement of Intention to do Business Under an Assumed or Fictitious Name of LLC	\$105 or \$20	MLLC-5	31 MRSA §605-A		7/1/03	As needed by an entity	181	231	200	200
Termination of Statement of Intention to do Business Under an Assumed or Fictitious Name	\$20	MLLC-5A	31 MRSA §605-A(8)		7/1/03	As needed by an entity	8	9	8	8
Articles of Organization of Limited Liability Company	\$125	MLLC-6	31 MRSA §622		10/8/03	As needed by an entity	1990	2594	2300	2300
Articles of Organization of Limited Liability Company to accompany conversions, mergers or consolidation	see fee for specific type of filing	MLLC-6-1	13-C MRSA §955(1), §1106 or §1107 31 MRSA §417, §418, §741-A or §746		9/8/03	As needed by an entity	0	0	5	5
Restated Articles of Organization of Limited Liability Company	\$80	MLLC-6A	31 MRSA §623(6)		4/16/01	As needed by an entity	7	7	7	7
Articles of Amendment for Domestic Limited Liability Companies	\$35	MLLC-9	31 MRSA §623		4/16/01	As needed by an entity	108	127	118	118
Statement of Withdrawal of Member of Domestic Limited Liability Company	\$20	MLLC-9A	31 MRSA §694		4/16/01	As needed by an entity	13	20	21	21
Application for Reservation of Name of Limited Liability Partnerships	\$20	MLLP-1	31 MRSA §804-A(1)		7/1/03	As needed by an entity	0	3	1	1
Certificate of Renunciation - Domestic Limited Liability Partnership	\$35	MLLP-11R	31 MRSA §825		4/16/01	As needed by an entity	3	0	1	1

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Application for Authority to do Business - Foreign Limited Liability Partnership	\$250	MLLP-12	31 MRSA §852(3)		7/1/03	As needed by an entity	2	4	3	3
Application for Authority to do Business for Foreign Limited Liability Partnership to accompany Application for Transfer of Authority	see fee for specific type of filing	MLLP-12-1	31 MRSA §852(3)	7/1/03		As needed by an entity	0	0	0	0
Amended Application for Authority to do Business - Foreign Limited Liability Partnerships	\$70 or \$30	MLLP-12A	31 MRSA §855(1)		7/1/03	As needed by an entity	4	3	3	3
Cancellation of Authority to do Business - Foreign Limited Liability Partnerships	\$70	MLLP-12B	31 MRSA §857		4/16/01	As needed by an entity	0	1	1	1
Change of Registered Agent Only or Change of Registered Agent and Registered Office - Foreign LLP	\$30	MLLP-12C	31 MRSA §854(6)		4/16/01	As needed by an entity	1	0	1	1
Notification by Registered Agent of Change in Name or Registered Office - Foreign LLP	\$30	MLLP-12D	31 MRSA §854(3)(B)		4/16/01	As needed by an entity	1	0	1	1
Notice of Resignation of Registered Agent - Foreign Limited Liability Partnerships	\$30	MLLP-12E	31 MRSA §854(4)		4/16/01	As needed by an entity	0	0	0	0
Annual Report - Limited Liability Partnership	\$60	MLLP-13	31 MRSA §873		7/1/03	Annually	74	69	71	71
Application for the Use of an Indistinguishable Name	\$20	MLLP-15	31 MRSA §803-A(4)		7/1/03	As needed by an entity	0	1	1	1
Certificate of Correction - Domestic Limited Liability Partnerships	\$20	MLLP-17	31 MRSA §824		4/16/01	As needed by an entity	0	1	1	1

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Certificate of Correction - Foreign Limited Liability Partnerships	\$30	MLLP-17A	31 MRSA §856		4/16/01	As needed by an entity	0	0	0	0
Acceptance of Appointment as Registered Agent - Limited Liability Partnerships	\$0	MLLP-18	31 MRSA §807(2) or §854(2-A)		4/16/01	As needed by an entity	18	24	21	21
Transfer of Reserved Name of Limited Liability Partnerships	\$20	MLLP-1A	31 MRSA §804-A(2)		7/1/03	As needed by an entity	0	0	0	0
Application for Registration or Renewal of Name - Limited Liability Partnerships	\$155	MLLP-2	31 MRSA §806-A		7/1/03	As needed by an entity	0	0	0	0
Change of Registered Agent Only or Change of Registered Agent and Registered Office - Domestic LLP	\$20	MLLP-3	31 MRSA §807(3) and §807(4)		4/16/01	As needed by an entity	2	0	1	1
Notice of Resignation of Registered Agent - Domestic LLP	\$20	MLLP-3A	31 MRSA §807(5)		4/16/01	As needed by an entity	0	0	0	0
Notification by Registered Agent of Change in Name or Registered Office or Both- Domestic LLP	\$20	MLLP-3B	31 MRSA §807(3)(B)		4/16/01	As needed by an entity	0	9	4	4
Statement of Intention to do Business Under an Assumed or Fictitious Name - Limited Liability Partnerships	\$105 or \$20	MLLP-5	31 MRSA §805-A		7/1/03	As needed by an entity	2	1	1	1
Termination of Statement of Intention to do Business Under an Assumed or Fictitious Name - LLP	\$20	MLLP-5A	31 MRSA §805-A(8)		7/1/03	As needed by an entity	0	0	0	0
Certificate of Limited Liability Partnership	\$125	MLLP-6	31 MRSA §822		10/8/03	As needed by an entity	13	20	15	15



Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Restated Certificate of Limited Liability Partnership	\$80	MLLP-6A	31 MRSA §823(6)		4/16/01	As needed by an entity	0	0	0	0
Certificate of Amendment for Domestic Limited	\$35 or \$20	MLLP-9	31 MRSA §823		4/16/01	As needed by an entity	2	1	1	1
Application for Reservation of Name for Limited Partnerships	\$20	MLPA-1	31 MRSA §404-A(1)		7/1/03	As needed by an entity	3	0	1	1
Articles of Merger for Limited Partnerships	\$80	MLPA-10	31 MRSA §417(2)		4/16/01	As needed by an entity	0	0	0	0
Articles of Consolidation for Limited Partnerships	\$80	MLPA-10A	31 MRSA §417(2)		4/16/01	As needed by an entity	0	0	0	0
Cancellation of Certificate of Limited Partnership - Domestic	\$35	MLPA-11C	31 MRSA §423		4/16/01	As needed by an entity	15	10	12	12
Certificate of Amendment by a Majority in Interest of the Limited Partner -	\$35	MLPA-11L	31 MRSA §422(5)		4/16/01	As needed by an entity	0	0	0	0
Certificate of Amendment by Liquidating Trustees - Domestic Limited	\$35	MLPA-11T	31 MRSA §422(5)		4/16/01	As needed by an entity	0	0	0	0
Application for Authority to do Business - Foreign Limited Partnership	\$250	MLPA-12	31 MRSA §492(3)		7/1/03	As needed by an entity	38	31	35	35
Application for Authority to do Business for Foreign Limited Partnership to accompany Application for Transfer of Authority	see fee for specific type of filing	MLPA-12-1	31 MRSA §492(3)	7/1/03		As needed by an entity	0	0	0	0
Amended Application for Authority to do Business Foreign Limited Partnerships	\$70 or \$30	MLPA-12A	31 MRSA §495		7/1/03	As needed by an entity	28	25	26	26
Cancellation of Authority to do Business - Foreign Limited Partnership	\$70	MLPA-12B	31 MRSA §496		4/16/01	As needed by an entity	11	6	8	8

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Change of Registered Agent Only or Change of Registered Agent and Registered Office - Foreign LP	\$30	MLPA-12C	31 MRSA §494(6)		4/16/01	As needed by an entity	23	13	18	18
Notification by Registered Agent of Change in Name or Registered Office - Foreign LP	\$30	MLPA-12D	31 MRSA §494(3)(B)		4/16/01	As needed by an entity	9	0	4	4
Notice of Resignation of Registered Agent - Foreign Limited Partnership	\$30	MLPA-12E	31 MRSA §494(4)		4/16/01	As needed by an entity	0	1	1	1
Annual Report - Limited Partnership	\$60	MLPA-13	31 MRSA §529		7/1/03	Annually	1233	1149	1191	1191
Application for the Use of an Indistinguishable Name	\$20	MLPA-15	31 MRSA §403-A(5)		7/1/03	As needed by an entity	11	2	6	6
Certificate of Correction - Domestic Limited Partnership	\$20	MLPA-17	31 MRSA §422-A		4/16/01	As needed by an entity	2	1	1	1
Certificate of Correction - Foreign Limited Partnership	\$30	MLPA-17A	31 MRSA §495-A		4/16/01	As needed by an entity	1	0	1	1
Acceptance of Appointment as Registered Agent - Limited Partnerships	\$0	MLPA-18	31 MRSA §407(1-A) or §494(2-A)		4/16/01	As needed by an entity	139	130	135	135
Transfer of Reservation of Name for Limited Partnerships	\$20	MLPA-1A	31 MRSA §404-A(2)		7/1/03	As needed by an entity	0	0	0	0
Application for Registration or Renewal of Name - Foreign Limited Partnership	\$155	MLPA-2	31 MRSA §406-A		7/1/03	As needed by an entity	0	0	0	0
Change of Registered Agent Only or Change of Registered Agent and Registered Office - Domestic LP	\$20	MLPA-3	31 MRSA §407(2) and §422(3)(D)		4/16/01	As needed by an entity	21	41	31	31

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Notice of Resignation of Registered Agent - Domestic LP	\$20	MLPA-3A	31 MRSA §407(3) and §422(3)(E)		4/16/01	As needed by an entity	1	1	1	1
Notification by Registered Agent of Change In Name or Registered Office - Domestic LP	\$20	MLPA-3B	31 MRSA §§407(2)(B) and §422(3)(D)		4/16/01	As needed by an entity	28	24	26	26
Certificate of Appointment of Registered Agent and Registered Office - Domestic Limited Partnership	\$40	MLPA-3C	31 MRSA §524(1)(C)(1)(a)		4/16/01	As needed by an entity	3	3	3	3
Certificate of Confirmation of Registered Agent and Registered Office - Foreign Limited Partnership	\$40	MLPA-3D	31 MRSA §524(1)(C)(1)(b)		4/16/01	As needed by an entity	0	0	0	0
Statement of Intention to do Business Under an Assumed or Fictitious Name - Limited Partnerships	\$105 or \$20	MLPA-5	31 MRSA §405-A		7/1/03	As needed by an entity	11	5	8	8
Termination of Statement of Intention to do Business Under an Assumed or Fictitious Name - Limited Partnerships	\$20	MLPA-5A	31 MRSA §405-A(8)		7/1/03	As needed by an entity	17	2	9	9
Certificate of Limited Partnership - Domestic	\$125	MLPA-6	31 MRSA §421		7/1/03	As needed by an entity	57	45	51	51
Certificate of Limited Partnership - Domestic to accompany conversions, mergers or consolidations	see fee for specific type of filing	MPLA-6-1	13-C MRSA §955(1), §1106, §1107, 31 MRSA §417, §418, §741-A or §746		9/8/03	As needed by an entity	0	0	0	0
Restated Certificate of Limited Partnership - Domestic	\$35	MLPA-6A	31 MRSA §422(6)		4/16/01	As needed by an entity	0	5	2	2

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Certificate of Amendment - Domestic Limited Partnerships	\$35 or \$20	MLPA-9	31 MRSA §422		4/16/01	As needed by an entity	65	29	47	47
Certificate of Organization	\$5	MNP-6	13 MRSA §903		10/1/03	As needed by an entity	1	3	1	1
Certificate of Organization	\$0	MNP-981A	13 MRSA §981-A		10/1/03	As needed by an entity	1	1	1	1
Application for Reservation of Name for Nonprofit Corporations	\$5	MNPCA-1	13-B MRSA §302-A(1)		7/1/03	As needed by an entity	25	15	20	20
Articles of Merger for Nonprofit Corporations	\$10	MNPCA-10	13-B MRSA §904		1/1/03	As needed by an entity	6	9	7	7
Articles of Consolidation for Nonprofit	\$10	MNPCA-10A	13-B MRSA §904		4/16/01	As needed by an entity	0	0	0	0
Articles of Merger for Nonprofit Corporations	\$10	MNPCA-10C	13-B MRSA §906		1/1/03	As needed by an entity	0	1	1	1
Articles of Consolidation	\$10	MNPCA-10E	13-B MRSA §906		4/16/01	As needed	0	0	0	0
Statement of Intent to Dissolve by Written Consent of Members or Directors for Domestic Nonprofit Corporations	\$5	MNPCA-11	13-B MRSA §1101		4/16/01	As needed by an entity	27	25	26	26
Statement of Intent to Dissolve by Vote of Members or Directors for Domestic Nonprofit Corporations	\$5	MNPCA-11A	13-B MRSA §1101		4/16/01	As needed by an entity	30	26	28	28
Statement of Revocation of Voluntary Dissolution Proceedings by Written Consent of Members or Directors	\$5	MNPCA-11B	13-B MRSA §1102		4/16/01	As needed by an entity	0	0	0	0
Statement of Revocation of Voluntary Dissolution Proceedings by Vote of Members or Directors	\$5	MNPCA-11C	13-B MRSA §1102		4/16/01	As needed by an entity	0	0	0	0
Articles of Dissolution for Domestic Nonprofit Corporations	\$5	MNPCA-11D	13-B MRSA §1104		1/1/03	As needed by an entity	60	54	57	57

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Voluntary Dissolution by Incorporators for Domestic Nonprofit Corporations	\$5	MNPCA-11E	13-B MRSA §1101-A		4/16/01	As needed by an entity	3	3	3	3
Application for Authority to Carry on Activities for Foreign Nonprofit Corporations	\$25	MNPCA-12	13-B MRSA §1202		7/1/03	As needed by an entity	66	47	57	57
Application for Authority to Carry on Activities for Foreign Nonprofit Corporations to accompany an Application for Transfer of Authority	see fee for specific type of filing	MNPCA-12-1	13-B MRSA §1202	7/1/03		As needed by an entity	0	0	0	0
Amended Application for Authority to Carry on Activities for Foreign Nonprofit Corporations	\$5	MNPCA-12A	13-B MRSA §1207		7/1/03	As needed by an entity	24	20	22	22
Application for Surrender of Authority to Carry on Activities for Foreign Nonprofit Corporations	\$5	MNPCA-12B	13-B MRSA §1208		4/16/01	As needed by an entity	9	3	6	6
Annual Report - Nonprofit Corporation	\$20	MNPCA-13	13-B MRSA §1301		7/1/03	Annually	9834	9976	9905	9905
Application for Excuse for Domestic Nonprofit Corporations	\$5	MNPCA-14	13-B MRSA §1301(5)		4/16/01	As needed by an entity	21	10	15	15
Certificate of Resumption for Domestic Nonprofit	\$25	MNPCA-14A	13-B MRSA §1301(6)		9/24/01	As needed by an entity	1	1	1	1
Application for the Use of an Indistinguishable Name	\$5	MNPCA-15	13-B MRSA §301-A(4)		7/1/03	As needed by an entity	21	16	18	18
Approval of Local Development Corporation by Municipal	\$0	MNPCA-16	5 MRSA §13081(6)		4/16/01	As needed by an entity	0	0	0	0
Certificate of Correction for Nonprofit	\$5	MNPCA-17	13-B MRSA §106(4)		4/16/01	As needed by an entity	20	23	21	21

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Acceptance of Appointment as Registered Agent for Nonprofit Corporations	\$0	MNPCA-18	13-B MRSA §304(3) or §1212(1-A)		4/16/01	As needed by an entity	1521	1506	1513	1513
Transfer of Reserved Name for Nonprofit Corporations	\$5	MNPCA-1A	13-B MRSA §302-A(2)		7/1/03	As needed by an entity	4	0	2	2
Application for Registration or Renewal of Name - Foreign Nonprofit Corporation	\$50	MNPCA-2	13-B MRSA §303-A		7/1/03	As needed by an entity	0	0	0	0
Change of Registered Agent or Registered Office of Both for Domestic Nonprofit Corporations	\$5	MNPCA-3	13-B MRSA §305(1) or §1212(2)		4/16/01	As needed by an entity	812	823	817	817
Notice of Resignation of Registered Agent for Domestic Nonprofit Corporations	\$2	MNPCA-3A	13-B MRSA §305(2) or §1212(3)		4/16/01	As needed by an entity	43	53	48	48
Notification by Registered Agent of Change in Current Name or Registered Office for Domestic Nonprofit Corps	\$5	MNPCA-3B	13-B MRSA §305(3) or §1212(2-A)		4/16/01	As needed by an entity	259	263	261	261
Appointment of Registered Agent and Registered Office for Domestic Nonprofit Corporations	\$5	MNPCA-3C	13-B MRSA §305(1)		4/16/01	As needed by an entity	2	2	2	2
Statement of Intention to Carry on Activities under an Assumed or Fictitious Name	\$5	MNPCA-5	13-B MRSA §308-A		7/1/03	As needed by an entity	89	83	86	86
Termination of Statement of Intention to Carry on Activities Under an Assumed or Fictitious Name for Nonprofit Corporation	\$5	MNPCA-5A	13-B MRSA §308-A(8)		7/1/03	As needed by an entity	6	7	6	6

Form Name	Fee	Form Id	Statutory Authority	Date Adopted	Date Amended	Submission Frequency	FY02 Submissions	FY03 Submissions	FY04 Submissions	FY05 Submissions
Articles of Incorporation for Domestic Nonprofit Corporations	\$20	MNPCA-6	13-B MRSA §403		6/16/03	As needed by an entity	643	636	639	639
Articles of Incorporation for Domestic Nonprofit Corporations to accompany Articles of Nonprofit Conversion	see fee for specific type of filing	MNPCA-6-1	13-B MRSA §403	7/1/03		As needed by an entity	0	0	0	0
Restated Articles of Incorporation for Domestic Nonprofit Corporations	\$10	MNPCA-6A	13-B MRSA §805		4/16/01	As needed by an entity	18	23	20	20
Articles of Amendment for Domestic Nonprofit Corporations	\$5	MNPCA-9	13-B MRSA §802 and §803		1/1/03	As needed by an entity	247	275	261	261
Articles of Domestication and Conversion for Foreign Nonprofit Corporations	\$125	MNPCA-19	13-C MRSA §942	7/1/03		As needed by an entity	0	0	0	0
Statement of Abandonment of Domestication and Conversion for Foreign Nonprofit Corporations	\$35	MNPCA-19A	13-C MRSA §944	7/1/03		As needed by an entity	0	0	0	0
National UCC Financing Statement and/or its addenda	\$60, \$40, \$30, \$20, \$15 or \$10	UCC-1	11 MRSA §9-1520(1)		5/22/02	As needed by an entity	37882	39819	39400	39400
Request for Copies or Information	\$20 or \$12	UCC-11	11 MRSA §9-1523		7/1/01	As needed by an entity	20310	27592	28000	28000
National UCC Financing Statement Amendment and/or its addenda	\$30, \$15, \$10 or \$0	UCC-3	11 MRSA §9-1520(2)		5/22/02	As needed by an entity	33914	31016	32000	32000

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<b>DIVISION OF ELECTIONS AND COMMISSIONS</b>										
Absentee Ballot Application	\$0	none	21-A MRSA §752(2)		8/1/03	As needed by a voter	0			
Citizen Initiative Application	\$0	none	21-A MRSA §901		1/1/99	As needed by a citizen group	1			
Declaration of Write-In Candidacy	\$0	none	21-A MRSA §722-A		9/1/02	As needed by a candidate	0			
People's Veto Application	\$0	none	21-A MRSA §901		1/1/99	As needed by a citizen group	0			
Notary Public Application and Renewal	\$25	NOTARY-1	5 MRSA §82		4/1/01	As needed by a citizen	3850	3863	3850	3850
Notary Public Change of Name or Address	\$0	NOTARY-2	By Administrative Rule, chapter 700		4/1/01	As needed by a Notary Public	2383	2538	2475	2475
Dedimus Justice Application	\$0	DJ-1	5 MRSA §4		5/30/00	As needed by a citizen	35	18	25	25
Executive Clemency (Pardon) Petition	\$0	Pardon-1	15 MRSA, chapter 307		10/24/03	As needed by a citizen	134	94	114	114