

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 467

H. P. 353

House of Representatives, February 8, 1979

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Bachrach of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT Creating the Bureau of Records Management Services within the
Department of Finance and Administration.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 5 MRSA § 91, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

§ 91. Short title

This chapter shall be known and may be cited as the "Archives Law."

Sec. 2. 5 MRSA § 92, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

§ 92. Declaration of policy

The Legislature declares that it is the policy of the State, to the end that the people may derive maximum benefit from a knowledge of state affairs, to preserve its noncurrent records of permanent value for study and research.

Sec. 3. 5 MRSA § 92-A, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

§ 92-A. Definitions

As used in this chapter, unless the context indicates otherwise, the following words shall have the following meanings.

1. **Archives.** "Archives" means noncurrent government records that have sufficient value to warrant their permanent preservation and that are in the physical and legal custody of the Maine State Archives.

2. **Noncurrent records.** "Noncurrent records" means government records no longer needed by an agency and which may be disposed of as provided by law.

Sec. 4. 5 MRSA § 95, first ¶, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

The State Archivist shall have the powers and duties established under the following provisions governing the preservation of state records:

Sec. 5. 5 MRSA § 95, sub-§ 3, 3rd sentence, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

Restrictions or limitations imposed by law on the examination and use of records transferred to the archives under section 1872, subsection 6, shall remain in effect until removed or relaxed by the State Archivist with concurrence in writing of the head of the agency from which the records were transferred or his successor in function, if any.

Sec. 6. 5 MRSA § 95, sub-§§ 7, 8 and 9, as enacted by PL 1973, c. 625, § 16, are repealed.

Sec. 7. 5 MRSA § 95, sub-§ 10, first sentence, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

To receive all records transferred to the archives under section 1872, subsection 6, and to negotiate for the transfer of public records from the custody of any public official not governed by section 1872.

Sec. 8. 5 MRSA § 95, sub-§ 13, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

13. Restoration. To provide records restoration services for government agencies to the extent he deems advisable in his administration of the state program and facilities. These services shall be furnished to the agencies at cost.

Sec. 9. 5 MRSA § 283, sub-§ 9 is enacted to read:

9. Bureau of Records Management Services. The Bureau of Records Management Services, the head of which shall be the Director of Records Management Services appointed subject to the Personnel Law.

Sec. 10. 5 MRSA c. 158 is enacted to read:

CHAPTER 158

BUREAU OF RECORDS MANAGEMENT SERVICES

§ 1871. Definitions

As used in this chapter, unless the context indicates otherwise, the following words shall have the following meanings.

1. Agency. "Agency" means any state department, bureau, division, commission, board or other unit of State Government created by law.

2. Bureau. "Bureau" means the Bureau of Records Management Services.

3. Commissioner. "Commissioner" means the Commissioner of Finance and Administration.

4. Director. "Director" means the Director of Records Management Services.

5. Records. "Records" means any paper, correspondence, form or other document regardless of physical form or characteristics, made or received by any agency of State Government in the transaction of business.

6. Records center. "Records center" means a facility maintained by the State primarily for low-cost storage, servicing and security of the records of state agencies which must be retained for varying periods of time and need not be maintained in office space and equipment. Legal custody of any records transferred to the records center shall remain with the transferring agency.

7. Records management. "Records management" means a function to provide economy and efficiency in the operations of State Government through the application of management techniques, including, but not limited to, forms management, reports management, communications analysis and design, application of micrographics, methods and procedural analysis and design, and records retention and disposition scheduling.

§ 1872. Powers and duties

The Department of Finance and Administration, through the Bureau of Records Management Services, shall have the powers and duties under the following provisions relating to the creation, use, maintenance, retention and disposal of state records:

1. Policy and organization. To formulate policies and establish organizational and operational procedures, subject to the approval of the commissioner;

2. Employ assistants. To employ, with the approval of the commissioner and subject to the Personnel Law, such assistants as may be necessary to carry out the purposes of this chapter;

3. **Records management programs.** To establish, maintain and administer in the executive branch of State Government an active and continuing records management program, including the operation of a records center or centers, for the economical and efficient management of state records;

4. **Procedures.** To study, analyze, evaluate, develop and recommend procedures, forms, standards and techniques of record making and record keeping to officials of state agencies;

5. **Improvements.** To recommend improvements in the procedures of state government operations, including forms, reports, procedures and use of space, equipment, supplies and personnel employed in creating, processing and maintaining state records;

6. **Retention and disposition scheduling.** To establish retention and disposition schedules, in consultation with heads of state agencies, under which state records no longer possessing sufficient administrative, legal or fiscal value to warrant further keeping for current business are disposed of as provided by this chapter;

7. **Destruction of records.** To authorize the destruction of records of state agencies disposed of under subsection 6 which have been determined by the State Archivist to have no archival or historical value to the State to warrant permanent preservation;

8. **Transfer to the Maine State Archives.** To authorize the transfer of records of state agencies disposed of under subsection 6 to the Maine State Archives which have been determined by the State Archivist to have sufficient archival or historical value to the State to warrant permanent preservation. Whenever such a transfer is made, the State Archivist shall transmit an acknowledgement of acceptance of legal custody of the records to the transferring agency, on a form provided, in which the records are described in terms sufficient to identify them and which shall be preserved in the agency;

9. **Records center.** To provide a records center facility for low-cost storage and retrieval of records of state agencies which must be retained for varying periods of time and need not be retained in office space and equipment;

10. **Microfilm.** To administer a centralized program for the application of microfilming records for the benefit of all state agencies;

11. **Essential records program.** To establish and maintain a program in cooperation with each agency in State Government for the retention and preservation of records considered essential to the operation of State Government;

12. **Rules and regulations.** To promulgate such rules and regulations, with the approval of the commissioner, as are necessary for carrying out the purposes of this chapter;

13. Training. To develop and conduct records management training programs for personnel of state agencies;

14. Reports. To obtain such reports from state agencies as are required for the administration of this chapter;

15. Examination of state records. To have the right of reasonable access to and examination of all state records in the performance of the duties outlined in this chapter;

16. Charges and fees. To levy appropriate charges and fees against all state agencies receiving services provided by the bureau. The charges and fees shall be those fixed in a schedule or schedules prepared and revised as necessary by the director and approved by the commissioner; and

17. Professional and technical services. To provide such professional and technical services to state agencies as may be necessary within funds available for carrying out the purposes of this chapter.

Sec. 11. 30 MRSA § 348, 2nd sentence, as enacted by PL 1973, c. 289, § 1, is repealed and the following enacted in its place:

The standards, procedures and regulations shall, as far as practical, follow the program established under the "Archives Law" to govern the preservation of state records, except as otherwise provided in the chapter, and shall follow the standards for making records set forth in Title 33, chapter 11, subchapter II.

Sec. 12. 30 MRSA § 2215, 2nd sentence, as enacted by PL 1973, c. 625, § 201, is repealed and the following enacted in its place:

The standards, procedures and regulations shall, as far as practical, follow the program established under the "Archives Law" to govern the preservation of state records, except as otherwise provided in this chapter.

Sec. 13. Transitional provisions.

1. Authority and duties. The Maine State Archives, a bureau within the Department of the Secretary of State, shall have all legal authority and duties presently delegated to that agency, except for that legal authority and duties as are given to the Bureau of Records Management Services within the Department of Finance and Administration, and as otherwise indicated in this Act.

2. Personnel. Employees of the present Maine State Archives, a bureau within the Department of the Secretary of State, shall remain within the Department of the Secretary of State, except for those employees transferred to the Department of Finance and Administration. The following positions and employees filling those positions in the present Maine State Archives within the Department of the Secretary of State are transferred to the Department of Finance and Administration: One records management officer; 2 records management analysts III; one records technician II; one records technician I; one photographer II; one photographer I and one clerk typist III.

3. Regulations. All regulations of the present Maine State Archives within the Department of the Secretary of State which are currently in effect and in operation shall continue in effect until rescinded, amended or changed. Those regulations relating to the powers and duties of the Bureau of Records Management Services within the Department of Finance and Administration are removed from the authority of the Maine State Archives within the Department of the Secretary of State.

4. Funds and equipment transferred. That space in the Maine State Cultural Building presently utilized by the Records Management Division and Photoduplication Laboratory of the Maine State Archives within the Department of the Secretary of State, including that portion of the first floor, elevation 108, now utilized as a records center; the Maximum Security Building on the grounds of the Augusta Mental Health Institute presently serving as a records center annex; and the fixed equipment now utilized by these services shall continue to be utilized by these services until such time as adequate facilities and equipment are provided by the Legislature. All movable equipment and supplies in the previously mentioned space shall be transferred to the Bureau of Records Management Services within the Department of Finance and Administration, including the GMC van truck. One microfilm reader/printer (Itek) and one copy camera with auxiliary equipment shall remain in the custody of the Maine State Archives within the Department of the Secretary of State.

Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account relating to the subdivisions to be reallocated to the Department of Finance and Administration pursuant to this Act, shall be transferred to the proper place in the Department of Finance and Administration by the State Controller, upon the recommendation of the Commissioner of Finance and Administration, the State Budget Officer and approval of the Governor.

Sec. 14. Effective date. This Act shall become effective July 1, 1980.

STATEMENT OF FACT

The purpose of this bill is to transfer the records and management function and central microfilming service to the Department of Finance and Administration. The records management function is concerned with making improvements in the day to day operations of State Government through the application of management tools and techniques. Microfilming is a management tool. This action would place these management functions and services in a department with homogeneously related management functions and services, and promote economy and efficiency in the operations of State Government.