

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2209

H.P. 1721

House of Representatives, April 1, 2002

An Act to Implement the Recommendations of the Secretary of State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records.

Reported by Representative RICHARD for the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2001, chapter 10.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

Sec. 1. 5 MRSA §95-B, sub-§2, as amended by PL 1997, c. 636, §8, is further amended to read:

2. Safe or vault for preservation. Each local government shall provide a fireproof safe or vault for the preservation of all records that must be retained permanently but are not required for business purposes. The official having responsibility for those records shall deposit them in the safe or vault where those records must be kept except when required for use. Beginning in 2002, each local government shall respond to a survey distributed biennially by the State Archivist requesting:

A. A description of the fireproof safe or vault required by this section;

B. A statement of the adequacy of the safe or vault for the preservation of records that must be retained permanently; and

C. A plan, if any, for the establishment or enhancement of a safe or vault to comply with the requirements of this section.

The State Archivist shall report the results of the survey, with recommendations, to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and over state and local government matters.

Sec. 2. 5 MRSA §95-B, sub-§2-A is enacted to read:

2-A. Retention of archival records currently in digital form. Beginning in 2002, each local government shall respond to a survey distributed biennially by the State Archivist requesting:

A. A description of the provisions currently in place for the preservation of records that must be retained permanently and are currently maintained in digital form;

B. A statement of the adequacy of those provisions for the preservation of records that must be retained permanently; and

C. A plan, if any, for the establishment or enhancement of those provisions to ensure the permanent retention of and access to these records.

2 The State Archivist shall report the results of the survey, with
4 recommendations, to the joint standing committees of the
6 Legislature having jurisdiction over education and cultural
8 affairs and over state and local government matters.

10 **Sec. 3. 5 MRSA §98** is enacted to read:

12 **§98. Maine Historical Records Advisory Board**

14 The Maine Historical Records Advisory Board, established by
16 section 12004-I, subsection 18-D and referred to in this section
18 as the "board," is within the office of the State Archivist and
20 serves to encourage the preservation of and access to historical
22 records within the State.

24 **1. Duties.** In support of its mission, the board shall
26 conduct the following activities:

28 **A.** Make recommendations to the National Historical
30 Publications and Records Commission regarding the funding of
32 proposals seeking support from that commission;

34 **B.** Develop, maintain and execute a strategic plan
36 supporting the board's priorities for funding
38 recommendations and other activities;

40 **C.** Seek, receive and administer nonstate funds to support
42 its priority activities;

44 **D.** Work cooperatively with other state historical records
46 advisory boards, especially those in New England;

48 **E.** Report biennially to the joint standing committees of
the Legislature having jurisdiction over education and
cultural affairs and over state and local government matters
on the board's activities and on the condition of historical
records in the State; and

F. Other activities it determines appropriate.

2. Authority. In order to carry out its mission, the board
may make expenditures in accordance with the following:

A. Beginning with the 2004-2005 biennium, the Governor
shall include in the budget submitted to the Legislature
each biennium a line item to allow the expenditure by the
board of any non-General Fund revenues received by the
board, including federal funds, grants or gifts; and

2 B. Beginning with the 2004-2005 biennium, the Governor
4 shall include in the budget submitted to the Legislature
6 each biennium a line item to allow the expenditure by the
8 board of any non-General Fund revenues received by the board
10 to fund a full-time position.

12 3. Membership. The board consists of at least 7 and no
14 more than 11 members who are appointed to serve as follows:

16 A. Except as provided in paragraph B, the Governor shall
18 appoint all of the members, the majority of whom must have
20 experience in the administration of historical records or in
22 a field of research activity that makes extensive use of
24 historical records;

26 B. The Director of the Maine Historical Society and the
28 State Archivist are members ex officio and are voting
30 members; and

32 C. The Governor shall appoint either the Director of the
34 Maine Historical Society or the State Archivist to serve as
36 the Maine Historical Records Coordinator and to serve as the
38 chair of the board. The coordinator shall serve a term of 4
40 years and may not be compensated but may receive the
42 reimbursements allowed members of the board.

44 All members, with the exception of the coordinator, serve 3-year
46 terms. All members serve without compensation. All legally
48 allowed expenditures incurred by the members in the performance
50 of their duties may be reimbursed by the National Historical
Publications and Records Commission or by other funds available
to the board.

4. Maine Historical Records Advisory Board Fund. The Maine
Historical Records Advisory Board Fund, referred to in this
section as the "fund," is established for use by the board.
Balances in the fund may not lapse and must be carried forward
and used for the purposes of this section. The board may accept
and deposit in the fund money from private and public sources.

Sec. 4. 5 MRSA §12004-I, sub-§18-D is enacted to read:

<u>18-D.</u>	<u>Maine</u>	<u>Not</u>	<u>5 MRSA</u>
<u>Education</u>	<u>Historical</u>	<u>Authorized</u>	<u>§98</u>
	<u>Records</u>		
	<u>Advisory</u>		
	<u>Board</u>		

Sec. 5. Initial members. The members serving on the effective date of this Act on the Maine Historical Records

2 Advisory Board established pursuant to Executive Order No. 7
 3 ordered on January 30, 1989 continue serving their terms of
 4 office as members of the Maine Historical Records Advisory Board
 established in the Maine Revised Statutes, Title 5, section 98.

6 **Sec. 6. Appropriations and allocations.** The following
 7 appropriations and allocations are made.

8
 9 **SECRETARY OF STATE, DEPARTMENT OF THE**

10 **Administration - Archives**

11 Initiative: Provides initial allocations for the Maine
 12 Historical Records Advisory Board.

16	Federal Expenditures Fund	2001-02	2002-03
	Personal Services	\$0	\$500
18	All Other	0	500
20	Total	<u>\$0</u>	<u>\$1,000</u>

22	Other Special Revenue Funds	2001-02	2002-03
	Personal Services	\$0	\$500
24	All Other	0	500
26	Total	<u>\$0</u>	<u>\$1,000</u>

28
 29 **SECRETARY OF STATE, DEPARTMENT OF THE**
 30 **DEPARTMENT TOTALS**

32	FEDERAL EXPENDITURES FUND	\$0	\$1,000
34	OTHER SPECIAL REVENUE FUNDS	\$0	\$1,000
36	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$2,000</u>

38 **FISCAL NOTE**

40 **2002-03**

42 **APPROPRIATIONS/ALLOCATIONS**

44 Other Funds \$2,000

46
 48 The requirement that municipalities shall respond to surveys
 49 distributed by the State Archivist represents a state mandate
 50 pursuant to the Constitution of Maine. The additional local

2 costs are likely to be relatively insignificant. Unless General
Fund appropriations are provided to fund at least 90% of the
4 additional costs or a Mandate Preamble is amended to the bill and
2/3 of the members of each House vote to exempt this mandate from
6 the funding requirement, municipalities may not be required to
implement these changes.

8 This bill includes Federal Expenditures Fund and Other
Special Revenue funds allocations of \$1,000 each in fiscal year
10 2002-03 for the initial allocations needed for placing the Maine
Historical Records Advisory Board as a part of the Administration
12 - Archives program, which is within the Department of the
Secretary of State.
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16 SUMMARY

18 This bill is reported out by the Joint Standing Committee on
Education and Cultural Affairs pursuant to the authority provided
20 to the committee under Resolve 2001, chapter 10. The bill
implements the recommendations presented to the Second Regular
22 Session of the 120th Legislature as part of the comprehensive
plan for preserving and protecting historical records and access
24 to those records developed by the Secretary of State, the
University of Maine System and the Maine Historical Records
26 Advisory Board. The bill accomplishes the following.

28 1. It establishes an enforcement mechanism for the existing
statutory requirement that local governments provide a fireproof
30 safe or vault for the preservation of records by directing each
local government to respond to a survey distributed biennially by
32 the State Archivist regarding the adequacy of the measures taken
by the local government to comply with this record preservation
34 requirement.

36 2. It establishes an enforcement mechanism for the existing
statutory requirement that local governments retain and preserve
38 archival records currently in a digital format by directing each
local government to respond to a survey distributed biennially by
40 the State Archivist regarding the adequacy of the measures taken
by the local government to comply with this archival record
42 retention and preservation requirement.

44 3. It codifies in statutes the existing Maine Historical
Records Advisory Board, established pursuant to Executive Order
46 No. 7 and ordered on January 30, 1989 and permits the members
currently serving on this advisory board to continue serving
48 their terms of office as initial members of the statutory
advisory board.
50

2 4. It requires the Governor, beginning with the 2004-2005
3 biennium, to include in the budget submitted to the Legislature
4 each biennium a line item to permit expenditure of nonstate
5 General Fund revenues, including federal funds, grants or gifts
6 and a proposed line item to support a full-time position funded
7 from nonstate General Fund revenues.

8 5. It provides an allocation from the Federal Expenditures
9 Fund and Other Special Revenue funds to carry out the purposes of
10 the bill.