

MAINE STATE LEGISLATURE

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December 28, 1961

Peter W. Homan, M.D., Sup't.

Pineland Hospital & Training Center

Courtland D. Ferry, Ass't. Atty. Gen'l.

Mental Health and Corrections

Destruction of Records

There is no Statute of Limitations as such on medical records. Such records are covered along with other State records in the following section of the law:

Chapter 1, ⁴⁵¹ Sec. 35, Revised Statutes of Maine, 1954, Destruction of Records:

'The old records of any State department which in the opinion of the head of such department are no longer of value to the State may be destroyed upon approval in writing of the Attorney General, State Auditor, Commissioner of Finance and Administration, and the State Historian; but not otherwise, provided however, that if any old record appears to have sufficient value, approval to destroy shall be withheld until said old record has been copied at the expense of the State by any photostatic, photographic microfilm or other process which produces a clear, accurate and permanent copy or reproduction thereof and satisfactory provision is made for the permanent storage of such copies or reproductions in fireproof containers.'

Since it is your intention to microfilm your old medical records I suggest that you proceed with the microfilming and then have the Commissioner apply to the proper officials for approval of the destruction of the original records.

GDF/MSB

/cc: Attorney General's Department