

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1462

H. P. 1011

House of Representatives, March 13, 1963

Reported by Mr. Dennett from Committee on State Government and printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Create the Bureau of Maine Archives.

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

Sec. 1. R. S., c. 21-A, additional. The Revised Statutes are amended by adding a new chapter 21-A, to read as follows:

‘Chapter 21-A.

Bureau of Maine Archives.

Sec. 1. Purpose. It is the intent of this chapter to preserve the archival resources of the State to the end that the people of the State shall derive the maximum benefits therefrom through their availability for study and research.

Sec. 2. Bureau of Maine Archives. The Bureau of Maine Archives is created as the official archival agency of the State, under the Secretary of State, the function of which shall be the collection, preservation and administration of public archives; the editing and publication of such public archives; the establishment of standards for the making, care and administration of public archives in Maine; and the stimulation of research, study and activity in the field of Maine history.

Sec. 3. Director of Archives. The Bureau of Maine Archives shall be under the direction of a Director of Archives, who shall be appointed by the Secretary of State, and who shall be qualified by special training or experience in archival or historical work. The director may appoint, subject to the Personnel Law, employees to carry out the purposes of this chapter. The compensation of the director shall be fixed by the Secretary of State with the approval of the Governor and Council.

Sec. 4. Powers and duties of director. The general powers and duties of the Director of Archives are:

I. Administration. To administer the Bureau of Maine Archives. In administering the bureau, the director may formulate policies, adopt regulations, establish organizational and operational procedures, and exercise general supervision. The director shall adopt a seal for use in the official business of the bureau.

II. Appropriations. To control the expenditures, in accordance with law, of appropriations made for the maintenance and use of the bureau.

III. Projects. To adopt projects and programs designed to fulfill the functions and objectives of the bureau.

IV. Acceptance of gifts and bequests. To accept gifts, bequests and endowments for purposes consistent with the objectives of the bureau. Such funds, if given as an endowment, shall be invested in securities approved by the Governor, and all gifts, bequests and proceeds of invested endowment funds shall be used solely to carry out the purposes for which they were made.

V. Take custody of public archives. To negotiate for the transfer of and to receive public archives from the custody of any public officer of the State or its counties, municipalities and other political subdivisions. Any public officer in Maine is authorized and empowered to turn over to the Bureau of Maine Archives for preservation and administration such public archives legally in his custody as are not needed for the transaction of the current business of his office, whenever the director is willing and able to receive and care for them. Whenever such transfer is made, the director shall transmit to the office from which the archives are transferred a list in which such archives are described in terms sufficient to identify them, which list shall be filed and preserved in said office. Unless otherwise directed by law, all public archives of any public office or committee in the State shall, upon the termination of the existence and functions of that office or committee, be transferred to the custody of the bureau.

VI. Make archives available for public use. To collect, arrange and make available to the public at reasonable times in the office of the bureau, in original form, copies of all obtainable archival materials, manuscript or printed, of Maine history wherever found, including official public archives of the State and its political subdivisions, of the United States and of foreign nations. He shall carefully protect and preserve them from deterioration, mutilation, loss or destruction. He shall be the legal custodian of all records in the custody of the bureau.

VII. Furnish copies. To furnish copies of public archives, upon demand of any person, on payment in advance of fees as prescribed by law. Copies of public archives transferred in pursuance of law from the office of their origin to the custody of the bureau, when certified by the director under the seal of the bureau, shall have the same legal force and effect as if certified by their original custodian.

VIII. Examination of public archives. To have the right of reasonable access to and examination of all public archives in Maine. He shall cause such

action to be taken by their custodians as may be necessary to put them in the custody and condition prescribed by the laws of the State and to secure their safety and preservation. He shall promote better archival legislation and shall advise with public officers regarding the disposal of useless archives in their custody, the recovery of archives belonging to their offices, the delivery of archives to their successors in office and the adoption of sound practices relative to the use of durable paper and ink, fireproof filing facilities and photographic processes for recording or copying.

IX. Publication. To arrange for the publication and distribution of documentary volumes of public archives and also of bureau reports, bulletins and other publications directly promotive of the objectives of the bureau.

X. Destruction of records. To approve for destruction the records of any state department which in the opinion of the head of the department are no longer of value to the department and which have no archival value to the State.

XI. Biennial report. To report biennially to the Legislature facts and recommendations relating to the work and needs of the bureau.

Sec. 5. Archives Advisory Board. There shall be an Archives Advisory Board, the function of which shall be to advise the Director of Archives in his administration of this chapter and to perform such other duties as may be prescribed by law. The board shall consist of the State Librarian, the State Historian and Registrar of Vital Statistics, each of whom shall serve as an ex officio member, and 5 persons especially interested in the history of the State appointed by the Governor as advisors for overlapping terms of 6 years. Two advisors of the first board shall be appointed for terms of 2 years, 2 for 4 years, and one for 6 years. Their successors shall be appointed for terms of 6 years. Each advisor shall serve for the term of his appointment and thereafter until his successor is appointed and qualified. In case of the termination of an advisor's service during his term, the Governor shall appoint a successor for the unexpired term. Advisors shall serve without financial remuneration.'

Sec. 2. R. S., c. 1, § 35, repealed. Section 35 of chapter 1 of the Revised Statutes is repealed.

Sec. 3. R. S, c. 10, § 4, amended. The 3rd sentence of section 4 of chapter 10 of the Revised Statutes is amended to read as follows:

'He shall also deliver to the ~~Librarian of the State Library~~ **Director of Archives** all papers on file in the office of the Secretary of the Senate which were considered by a session of the Legislature held more than 10 years previously, and the ~~State Librarian~~ **Director of Archives** shall inspect said papers and preserve all those having any historical or permanent value.'

Sec. 4. R. S., c. 22, § 11, repealed. Section 11 of chapter 22 of the Revised Statutes is repealed.

Sec. 5. R. S, c. 89, § 18-A, amended. The first sentence of section 18-A of chapter 89 of the Revised Statutes, as enacted by chapter 170 of the public laws of 1955, is amended to read as follows:

'The old records of any county department which in the opinion of the head

of such department are no longer of value to the county may be destroyed upon approval in writing of the ~~county commissioners, the county attorney, the executive committee of the county bar association and the State Librarian;~~ **Director of Archives**, but not otherwise.'

Sec. 6. R. S., c. 89, § 231, amended. The first and 2nd sentences of section 231 of chapter 89 of the Revised Statutes are amended to read as follows:

'All persons, other than registers of deeds, having possession of or owning the records of the original proprietors of any town or plantation in this State, may deliver the same to the ~~Maine Historical Society~~ **Director of Archives** for preservation and safekeeping. ~~Said society~~ **The director** shall cause a true copy thereof to be made and certified by the ~~secretary of the society~~ and the same shall then be filed in the registry of deeds in the county or registry district in which said town or plantation is situated, and be kept there as a public record.'

Sec. 7. R. S., c. 89, § 232, amended. Section 232 of chapter 89 of the Revised Statutes is amended to read as follows:

'**Sec. 232. Owner of original records reimbursed for expenses.** Whoever, having possession of or owning any such original records, delivers them to the ~~Maine Historical Society~~ **Director of Archives** as provided in the preceding section 231, shall be paid from the State Treasury the reasonable expenses incurred by him in obtaining possession or becoming the owner thereof, whenever the amount of such expenses shall have been certified to by the ~~Maine Historical Society~~ **Director of Archives** and approved by the Governor and Council; ~~and the.~~ **The** cost of making said copy and of filing it in the registry of deeds shall be paid to said ~~Maine Historical Society~~ by the Treasurer of State whenever said cost shall have been certified to and approved by the Governor and Council; ~~provided, however, that the.~~ **The** sums expended in any year under the provisions of this section shall not exceed in the aggregate the sum of \$500.'

Sec. 8. R. S., c. 102, § 15, amended. Section 15 of chapter 102 of the Revised Statutes is amended to read as follows:

'**Sec. 15. Records surrendered.** Whenever any ~~city, town or plantation~~ **municipality** within this State shall become deorganized, the ~~city, town or plantation~~ **municipality** records shall ~~surrender be surrendered;~~ all records of birth, marriage and death to the State Registrar of Vital Statistics at Augusta and all other municipal records to the ~~county commissioners in the county in which the municipality was located~~ **Director of Archives.**'

Sec. 9. Appropriation. There is appropriated from the General Fund to the Bureau of Maine Archives to carry out the purposes of this act the sum of \$7,000 for the fiscal year ending June 30, 1964 and the sum of \$13,000 for the fiscal year ending June 30, 1965; the breakdown of which shall be as follows:

BUREAU OF MAINE ARCHIVES

Department	1963-64	1964-65
Personal Services	\$5,000	\$10,000
All Other	1,000	2,000
Capital Expenditures	1,000	1,000
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	\$7,000	\$13,000