

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1012

H. P. 768

House of Representatives, February 9, 1965

Referred to Committee on Appropriations and Financial Affairs. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Bishop of Presque Isle and Mr. Birt of E. Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Creating the Office of State Archivist.

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

Sec. 1. R. S., T. 27, c. 10, additional. Title 27 of the Revised Statutes is amended by adding a new chapter 10, to read as follows:

'CHAPTER 10

STATE ARCHIVIST

§ 275. Declaration of policy

The Legislature declares that it is the policy of the State to make the operations of State Government more efficient, more effective and more economical through current records management; and, to the end that the people may derive maximum benefit from a knowledge of state affairs, preserve its noncurrent records of permanent value for study and research.

§ 276. State Archivist

The Secretary of State, in consultation with the Archives Advisory Board, shall appoint, subject to the Personnel Law, a State Archivist who shall be qualified by special training or experience in archival or historical work.

§ 277. Maine State Archives

The office of the State Archivist shall be organized in the manner the State Archivist shall deem best suited to the accomplishment of the functions and purposes of this chapter. It shall be known as the Maine State Archives. The State Archivist, under the Secretary of State, shall be the official custodian of the archival resources of the State.

§ 278. Powers and duties of State Archivist

The State Archivist shall have the duties and powers established under the following provisions governing the creation, use, maintenance, retention, preservation and disposal of state records:

General Provisions

1. Administration. To administer the office of the State Archivist. In exercising his administration, the State Archivist shall formulate policies, establish organizational and operational procedures and exercise general supervision. He shall employ, subject to the Personnel Law, such assistants as may be necessary to carry out this chapter. The State Archivist shall adopt a seal for use in the official business of his office.

2. Examination of public records. To have the right of reasonable access to and examination of all public records in Maine.

3. Rules and regulations. To promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter. No restrictions or limitations shall be imposed on the use of records that are defined by law as public records or as records open to public inspection.

4. Acceptance of gifts and bequests. To accept gifts, bequests and endowments for purposes consistent with the objectives of this chapter. Such funds, if given as an endowment, shall be invested in securities by the Treasurer of State according to the laws governing the investment of trust funds. All gifts, bequests and proceeds of invested endowment funds shall be used solely to carry out the purposes for which they were made.

5. Publication. To publish archival material, reports, bulletins and other publications which will promote the objectives of this chapter.

6. Biennial report. To report biennially to the Governor and Legislature facts and recommendations relating to the work and needs of his office.

Records Management Provisions

7. Records management program. To establish and administer in the executive branch of State Government an active, continuing program for the economical and efficient management of state records. Upon request, the State Archivist shall assist and advise in the establishment of records management programs in the legislative and judicial branches of State Government and shall, as required by them, provide program services similar to those available to the executive branch. The State Archivist shall, with due regard for the functions of the agencies concerned:

A. Procedures. Provide standards, procedures and techniques for effective management of records in the conduct of current business.

B. Improvements. Recommend improvements in current records management practices, including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing records.

C. Retention. Establish schedules, in consultation with the heads of state

departments, under which each department shall retain state records of continuing value, and dispose, as provided by this chapter, of state records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping for current business.

D. Reports. Obtain such reports from agencies as are required for the administration of the program.

8. Transfer of state records. To provide for the transfer to the archives of state records, disposed of under subsection 7, paragraph C, which have archival value.

9. Destruction of records. To authorize the destruction of 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, in the opinion of the State Archivist and the Archives Advisory Board, have no archival value to the State.

Archive Provisions

10. Transfer of public records. To receive all records transferred to the archives under subsection 8, and to negotiate for the transfer of public records from the custody of any public officer not governed by subsection 7. Any public officer in Maine is authorized to turn over to the State Archivist such public records legally in his custody as are not needed for the transaction of the current business of his office, whenever the State Archivist is willing and able to receive them. Whenever such transfer is made, the State Archivist shall transmit to the office from which the records are transferred a memorandum in which such records are described in terms sufficient to identify them, which shall be preserved in said office. Unless otherwise directed by law, the public records of any public office, commission or committee in the State shall, upon the termination of its existence or functions, be transferred to the custody of the State Archivist.

11. Archives available for public use. To make archival material under his supervision available for public use at reasonable times. He shall carefully protect and preserve such materials from deterioration, mutilation, loss or destruction.

12. Copies. To furnish copies of archival material upon the request of any persons, on payment in advance of such fees as may be required. Copies of public records transferred in pursuance of law from the office of their origin to the custody of the State Archivist, when certified by the State Archivist, under the seal of his office, shall have the same legal force and effect as if certified by their original custodian.

§ 279. Archives Advisory Board

There shall be an Archives Advisory Board, the function of which shall be to advise the State Archivist in his administration of this chapter and to perform such other duties as may be prescribed by law. The board shall consist of the Attorney General, the Commissioner of Finance and Administration, the State Librarian, the State Historian and Registrar of Vital Statistics, each of whom shall serve as an ex officio member, and 6 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 2 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 compensation, but shall receive their necessary expenses.'

Sec. 2. R. S., T. 1, § 451, repealed. Section 451 of Title 1 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 3, § 22, amended. The 3rd sentence of section 22 of Title 3 of the Revised Statutes is amended to read as follows:

'He shall deliver to the ~~Librarian of the State Library~~ **State Archivist** 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~~ **Archivist** shall inspect said papers and preserve all those having any historical or permanent value.'

Sec. 4. R. S., T. 29, § 60, repealed. Section 60 of Title 29 of the Revised Statutes is repealed.

Sec. 5. R. S., T. 30, § 352, amended. The first sentence of section 352 of Title 30 of the Revised Statutes 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 and the State Archivist,~~ but not otherwise.'

Sec. 6. R. S., T. 33, § 655, amended. The first and 2nd sentences of section 655 of Title 33 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 ~~or the State Archivist~~ for preservation and safekeeping. ~~Said~~ **The society or the State Archivist** 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., T. 33, § 656, amended. Section 656 of Title 33 of the Revised Statutes is amended to read as follows:

§ 656. Owner of original records reimbursed for safekeeping

Whoever, having possession of or owning any such original records, delivers them to the Maine Historical Society ~~or the State Archivist~~ as provided in section 655 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 or the State Archivist and approved by the Governor and Council. 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. The sums expended in any year under this section shall not exceed in the aggregate the sum of \$500.'

Sec. 8. R. S., T. 30, § 5705, amended. Section 5705 of Title 30 of the Revised Statutes is amended to read as follows:

§ 5705. Records surrendered

Whenever any municipality within this State shall become deorganized, the municipality ~~records shall be surrendered~~ **surrender** 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~~ **State Archivist.**

Sec. 9. Appropriation. There is appropriated from the General Fund to the Maine State Archives to carry out the purposes of this Act the sum of \$15,470 for the fiscal year ending June 30, 1966 and the sum of \$15,300 for the fiscal year ending June 30, 1967; the breakdown of which shall be as follows:

	1965-66	1966-67
MAINE STATE ARCHIVES		
Personal Services	\$12,900	\$13,700
All Other	1,300	1,500
Capital Expenditures	1,270	100
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	\$15,470	\$15,300