

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1275

H. P. 991

House of Representatives, March 11, 1969

Referred to Committee on Judiciary. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Dennett of Kittery.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Clarify the State Records Law.

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

Sec. 1. R. S., T. 1, § 452, repealed and replaced. Section 452 of Title 1 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 452. Removal, secretion, mutilation or refusal to return state documents

Whoever knowingly and willfully removes any book, record, document or instrument, belonging to, or kept in any state office, except books and documents kept and deposited in the State Library, or knowingly and willfully secretes, alters, mutilates, defaces or destroys any such book, record, document or instrument, or knowingly and willfully aids or assists in so doing, or, having any such book, record, document or instrument in his possession, or under his control, willfully neglects or refuses to return the same to said state office, or to deliver the same to the person in lawful charge of the office where the same were kept or deposited, shall be punished by a fine of not more than \$5,000 and by imprisonment for not less than one year nor more than 3 years.

Sec. 2. R. S., T. 27, § 267, amended. The first 2 sentences of section 267 of Title 27 of the Revised Statutes are repealed and the following enacted in place thereof:

The actual cash expenses of the State Historian incurred while in the discharge of his official duties, including any sum necessarily contracted by him for clerical assistance, shall be paid from the State Treasury but shall not exceed \$500 a year. Any portion of said amount may be expended by the State Historian, under the direction of the Governor and Council, in the

publication of historical matter and data relating to the history of the State.

Sec. 3. R. S., T. 27, § 274, additional. Title 27 of the Revised Statutes is amended by adding a new section 274, to read as follows:

§ 274. Short title

This chapter shall be known and may be cited as the “Archives and Records Management Law.”

Sec. 4. R. S., T. 27, § 276, repealed and replaced. Section 276 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 276. State Archivist

The Governor, with the advice and consent of the Council, shall appoint a State Archivist who shall be qualified by special training or experience in archival or historical work. He shall hold office for a term of 6 years from the date of his appointment and until his successor has been appointed and qualified. The compensation of the State Archivist shall be fixed by the Governor.

This section shall not affect the term of the person holding office as State Archivist on the effective date of this Act.

Sec. 5. R. S., T. 27, § 277, amended. The last sentence of section 277 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, is amended to read as follows:

The State Archivist ~~under the Secretary of State~~ shall be the official custodian of the archival resources of the State.

Sec. 6. R. S., T. 27, § 278, sub-§ 3, amended. The last sentence of subsection 3 of section 278 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, is amended to read as follows:

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, unless necessary to protect and preserve them from deterioration, mutilation, loss or destruction. Restrictions or limitations imposed by law on the examination and use of records transferred to the archives under subsection 7, paragraph C and subsection 8 shall remain in effect until the records have been in existence for 50 years, unless removed or relaxed by the State Archivist with the concurrence in writing of the head of the agency from which the records were transferred or his successor in function, if any.

Sec. 7. R. S., T. 27, § 278, sub-§§ 10-A & 10-B, additional. Section 278 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, is amended by adding 2 new subsections, to read as follows:

10-A. Records of Secretary of State. To preserve the records of the

Secretary of State to the extent he deems desirable under the Constitution and the regulations of the State Archivist.

10-B. Permanent records of agency administration. To establish such standards concerning the establishment, maintenance and operation of state administered computerized and auxiliary automated information handling as may be necessary to insure the preservation of adequate and permanent records of the organization, functions, policies, procedures, decisions and essential transactions of the agencies of State Government.

Sec. 8. R. S., T. 27, § 279, amended. The 2nd and 3rd sentences of section 279 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965, are repealed and the following enacted in place thereof:

The board shall consist of 9 persons especially interested in the history of the State appointed by the Governor as advisors for overlapping terms of 6 years. The 3 new advisors shall be first appointed one for one year, one for 3 years and one for 5 years.

Sec. 9. R. S., T. 29, § 781, sub-§ 2, amended. The 2nd sentence of subsection 2 of section 781 of Title 29 of the Revised Statutes is repealed.

Sec. 10. R. S., T. 30, § 351, amended. The last sentence of section 351 of Title 30 of the Revised Statutes is amended to read as follows:

Such copies, when so made, shall constitute a duplicate record and shall be filed in fire-resisting safe cabinets located separate and apart from the original records, or ~~any additional reproductions may be filed in the same manner as original records, but within the same county deposited with the State Archivist.~~

Sec. 11. R. S., T. 30, § 2202, sub-§ 4, amended. The last sentence of subsection 4 of section 2202 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

The negative of the film shall be certified for preservation to the State Archivist. Records that have been microfilmed shall be retained by the municipality or deposited with the State Archivist.

Sec. 12. R. S., T. 30, § 2202, sub-§ 5, repealed. Subsection 5 of section 2202 of Title 30 of the Revised Statutes is repealed.

Sec. 13. R. S., T. 30, § 2202, sub-§ 6, repealed and replaced. Subsection 6 of section 2202 of Title 30 of the Revised Statutes is repealed and the following enacted in place thereof:

6. Records prior to 1900. Municipal records prior to the year 1900 need not be microfilmed, but such records shall be carefully preserved by the municipality or deposited with the State Archivist.

Sec. 14. R. S., T. 33, § 655, amended. The first 2 sentences of section 655 of Title 33 of the Revised Statutes, as amended by section 6 of chapter 441 of the public laws of 1965, are further 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. The ~~society or the~~ State Archivist shall cause a true copy thereof to be made and certified 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. 15. R. S., T. 33, § 656, amended. The first sentence of section 656 of Title 33 of the Revised Statutes, as amended by section 7 of chapter 441 of the public laws of 1965, is further amended to read as follows:

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.