

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 170**

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S. P. 68

In Senate, January 16, 1973

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### AN ACT to Clarify the State Records Law.

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

**Sec. 1. R. S., T. 3, § 22, amended.** The 3rd sentence of section 22 of Title 3 of the Revised Statutes, as amended by section 3 of chapter 441 of the public laws of 1965, is further amended to read as follows:

He shall deliver to the 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 ~~to~~ 5 years previously, and the State Archivist shall inspect said papers and preserve ~~all~~ those having ~~any historical or~~ permanent value.

**Sec. 2. R. S., T. 12, § 501-A, sub-§ 8, repealed.** Subsection 8 of section 501-A of Title 12 of the Revised Statutes, as enacted by section 3 of chapter 226 of the public laws of 1965, is repealed.

**Sec. 3. R. S., T. 27, § 275-A, additional.** Title 27 of the Revised Statutes is amended by adding a new section 275-A to read as follows:

#### § 275-A. Definitions

The following definitions are established for terms used in this chapter.

1. **Agency records.** "Agency records" means semicurrent records of government agencies to which they retain legal title, but that have been transferred to the custody of the Maine State Archives to effect economies and efficiency in their storage and use pending their ultimate disposition as authorized by law.

2. **Archives.** "Archives" means noncurrent government records that have been determined by the State Archivist to have sufficient value to warrant

their continued preservation and that are in the physical and legal custody of the Maine State Archives.

3. Record center. "Record center" means facilities maintained by the State Archivist for the storage, security, servicing and other processing of agency records that must be preserved for varying periods of time and need not be retained in office equipment and space.

Sec. 4. R. S., T. 27, § 278, sub-§ 1, amended. Subsection 1 of section 278 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 441 of the public laws of 1965 and as amended by section 3 of chapter 596 of the public laws of 1971, is further amended by adding at the end the following new sentence:

**He shall have custody and control of the facilities provided for the administration of this chapter.**

Sec. 5. R. S., T. 27, § 278, sub-§ 3, amended. 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 and as amended by section 6 of chapter 318 of the public laws of 1969, is further amended by adding at the end a new sentence to read as follows:

**The State Archivist shall promulgate rules and regulations governing the transfer of records from the custody of one agency to that of another subject to any applicable provision of law.**

Sec. 6. R. S., T. 27, § 278, sub-§ 7, amended. Subsection 7 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 by adding at the end a new paragraph to read as follows:

**The head of each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency in compliance with the standards, procedures and regulations issued by the State Archivist.**

Sec. 7. R. S., T. 27, § 278, sub-§ 10-C, additional. Section 278 of Title 27 of the Revised Statutes, as amended, is further amended by adding a new subsection 10-C to read as follows:

**10-C. Legislative records. The Secretary of the Senate and the Clerk of the House of Representatives shall obtain the noncurrent records of the Legislature and of each committee thereof at the close of each Legislature and transfer them to the Maine State Archives for preservation, subject to the orders of the Senate or the House, respectively.**

Sec. 8. R. S., T. 27, § 278, sub-§ 12, amended. Subsection 12 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 by adding at the end a new sentence to read as follows:

**A facsimile of the signature of the State Archivist imprinted by or at his direction upon any certificate issued by him shall have the same validity as his written signature.**

**Sec. 9. R. S., T. 27, § 278, sub-§ 13, additional.** Section 278 of Title 27 of the Revised Statutes, as amended, is further amended by adding a new subsection 13 to read as follows:

#### Laboratory Provisions

**13. Photoreproduction and restoration.** To provide centralized photoreproduction and records preservation services for government agencies to the extent he deems advisable in his administration of the state program and facilities. Such services shall be furnished to such agencies at cost.

**Sec. 10. R. S., T. 27, § 280, additional.** Title 27 of the Revised Statutes is amended by adding a new section 280 to read as follows:

#### § 280. Violation

Whoever violates any provision of this chapter or rules and regulations issued under section 278, subsection 3, excepting only those violations for which specific penalties are provided, shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 90 days, or by both.

**Sec. 11. R. S., T. 30, § 351, amended.** The last sentence of section 351 of Title 30 of the Revised Statutes, as amended by section 10 of chapter 318 of the public laws of 1969, is further 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 deposited with the State Archivist.

**Sec. 12. R. S., T. 30, § 352, amended.** Section 352 of Title 30 of the Revised Statutes, as amended by section 5 of chapter 441 of the public laws of 1965, is further amended to read as follows:

#### § 352. Destruction of county records

The ~~old~~ records of any county department which in the opinion of the head of such department are no longer of value ~~to~~ needed to conduct the current business of the county department may be destroyed upon approval in writing of the county commissioners and the State Archivist, but not otherwise. 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 county 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 storing of such copies or reproductions in fireproof containers. Records which have been determined by the county commissioners and the State Archivist to possess sufficient value to warrant their permanent preservation shall be preserved by the county or deposited with the State Archivist.

**Sec. 13. R. S., T. 30, § 5705, amended.** Section 5705 of Title 30 of the Revised Statutes, as amended by section 8 of chapter 441 of the public laws of 1965, is further amended to read as follows:

**§ 5705. Records surrendered**

Whenever any municipality within this State shall become deorganized, the municipality shall surrender all ~~records of birth, marriage and death to the State Registrar of Vital Statistics at Augusta and all other municipal~~ its records to the State Archivist.

**Sec. 14. R. S., T. 33, § 655, amended.** The 2nd sentence, as amended, and the last sentence of section 655 of Title 33 of the Revised Statutes, are repealed.

**Sec. 15. R. S., T. 33, § 656, repealed.** Section 656 of Title 33 of the Revised Statutes, as amended by section 7 of chapter 441 of the public laws of 1965 and by section 15 of chapter 318 of the public laws of 1969, is repealed.

**STATEMENT OF FACT**

The purpose of this legislation is to strengthen the Archives and Records Management Law and eliminate inconsistent records provisions.