

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 220

H. P. 178

House of Representatives, January 17, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Birt of East Millinocket.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT to Clarify the Municipal Records Law.

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

Sec. 1. R. S., T. 30, c. 211, repealed and replaced. Chapter 211 of Title 30 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

CHAPTER 211

MUNICIPAL RECORDS

§ 2201. Short title

This chapter shall be known and may be cited as the "Municipal Records Law."

§ 2202. Definitions

As used in this chapter, the following terms shall have the meanings indicated, unless the context otherwise requires.

1. Municipality. "Municipality" means any municipality operating under general law or charter.

2. Municipal official. "Municipal official" means any elected or appointed member of a municipal government.

3. Record. "Record" means all documentary material, regardless of media or characteristics, made or received and maintained by a municipality

in accordance with law or regulation or in the transaction of its official business.

§ 2203. General requirements

The following provisions apply to municipal records.

1. Omissions or errors corrected. When omissions or errors exist in municipal or school district records, they shall be corrected under oath by the person whose duty it was to make them correctly, whether or not he remains in office.

A. If an original town meeting warrant is lost or destroyed, the return may be made or amended on a copy of it.

2. Safe or vault for preservation. Each municipality shall provide a fire-proof safe or vault for the preservation of all completed record books.

A. When a record book is completed, the clerk shall deposit it in the safe or vault where it shall be kept, except when required for use.

3. Attestation. The records of the clerk may be attested by volume. Each document is sufficiently attested when the volume in which it is recorded bears the attestation with the written signature of the clerk.

4. Delivery to successor in office. Municipal officials shall deliver the records of their office to their successors in office upon the expiration of their terms as provided in Title 17, section 3103.

5. Records available for public use. Each municipal official shall make records under his supervision available for public use at reasonable times unless the use of such records is otherwise restricted by law.

6. Protection of records. Municipal officials shall carefully protect and preserve the records of their office from deterioration, mutilation, loss or destruction.

7. Disposition of records. No record shall be destroyed or otherwise disposed of by any municipal official, except as provided by the Municipal Records Board. Records which have been determined by the board to possess sufficient archival value to warrant the permanent preservation shall be preserved by the municipality or deposited with the State Archivist.

8. Regulations of Municipal Records Board. Each municipal official shall comply with the standards, procedures and regulations issued by the Municipal Records Board.

§ 2204. Municipal Records Board

There shall be a Municipal Records Board to consist of 3 municipal officials, one of whom represents a municipality of not more than 3,500 persons, to be appointed for terms of 3 years by the Governor upon the recommendation of the governing board of the Maine Municipal Association, the State Archivist, who shall be chairman, and the State Registrar of Vital Statis-

tics. Any person appointed to fill a vacancy in the membership of the board shall serve for the remainder of the term for which his predecessor was appointed. The board shall meet at the call of the chairman, but not less than 4 times during each calendar year. Three members of the board shall constitute a quorum. Appointive members shall serve without compensation.

§ 2205. Powers and duties of board

The Municipal Records Board shall establish standards, procedures and regulations for the effective management of municipal records. Such standards, procedures and regulations shall, as far as practical, follow the program established under the "Archives and Records Management Law" to govern the creation, utilization, maintenance, retention, preservation and disposal of state records, except as otherwise provided in this chapter. The board may revise such standards, procedures and regulations as it shall deem necessary. Administrative services shall be provided by the Maine State Archives which shall serve as secretariat of the board.

§ 2206. Assistance to municipalities

The State Archivist shall provide advice and assistance to municipalities in the establishment and administration of municipal records programs. He shall provide program services to municipalities similar to those furnished the agencies of State Government to the extent he deems desirable in his administration of the state program and facilities. The State Archivist may acquire and maintain sufficient microfilm equipment and supplies to microfilm records that the board may order microfilmed in accordance with section 2205. Such services shall be furnished to municipalities at cost.

§ 2207. Violation

Whoever violates any provisions of this chapter or rules and regulations of the Municipal Records Board promulgated under section 2205 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.

## CHAPTER 212

### MUNICIPAL REPORTS

§ 2225. Annual report

The officers of each municipality shall publish annually a complete report subject to the following provisions.

1. Paper. It shall be printed on paper of at least 50 pound basis weight and bound not less than 6 inches wide by 9 inches long nor more than 8½ inches wide by 11 inches long.

2. Record of financial transactions. It shall contain a record of all financial transactions of the municipality during the last municipal year, including an itemized list of receipts and disbursements indicating to whom and for what purpose each amount was paid.

A. A municipality may waive the printing in its annual report of the itemized list of receipts and disbursements which is effective until revoked.

3. Statement of assets and liabilities; delinquent taxpayers. It shall contain a detailed statement of the assets and liabilities of the municipality including a list of all delinquent taxpayers and the amount due from each. It shall also contain any engineering and survey reports relating to the boundaries of the municipality and all proceedings and doings of the municipal officers relating thereto, together with any other information deemed by them to be of historical significance.

4. Postaudit report. It shall contain the statement that the complete postaudit report for the latest municipal year is on file at the municipal office and the following excerpts from the report:

A. Name and address of the auditor;

B. Auditor's comments and suggestions for improving the financial administration;

C. Comparative balance sheet;

D. Statement of departmental operations.

5. Names of those receiving pauper assistance. The names of persons receiving pauper assistance may not be printed unless a municipality at its annual meeting votes to include them in its next annual report.

6. Copies for distribution. Copies of the report shall be deposited in the municipal office or a convenient place of business for distribution to the voters at least 3 days before the annual meeting.

7. Copies open for inspection. Copies of the report and all municipal records shall be kept in the municipal office, or in the office of the clerk, and shall be open to the inspection of voters during usual business hours. If any municipal official refuses or neglects to perform any duty required by this section, he shall be punished by a fine of \$50 for each offense.

#### § 2226. Reports by sworn officials

A municipal official who has been sworn to the faithful performance of his duty need not swear to any report, account or statement to be filed with any of the state departments.

Sec. 2. 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 the municipal records to the State Archivist.

Sec. 3. R. S., T. 33, § 655, amended. The next to the last sentence, as amended, and the last sentence of section 655 of Title 33 of the Revised Statutes, are repealed as follows:

~~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. Any transcript from said copy of said records, certified by the register of deeds, may be used in evidence in all cases in which the same is material and with the same effect as though the original records were produced.~~

Sec. 4. R. S., T. 33, § 656, repealed. Section 656 of Title 33 of the Revised Statutes, as amended, is repealed as follows:

§ 656. ~~Owner of original records reimbursed for safekeeping~~

~~Whoever, having possession of or owning any such original records, delivers them to 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 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 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.~~

#### STATEMENT OF FACT

It is the purpose of this Act to strengthen the Municipal Records Law and eliminate inconsistent provisions.