

MAINE STATE LEGISLATURE

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(New Title)
New Draft of: S. P. 371, L. D. 1097

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1709

S. P. 569

In Senate, April 4, 1973

Reported by Senator Speers of Kennebec from the Committee on State Government and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Establishing a County Records Board.

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

Sec. 1. R. S., T. 30, c. 1, sub-c. II, Article 6-A, additional. Subchapter II of chapter 1 of Title 30 of the Revised Statutes is amended by adding a new Article 6-A to read as follows:

ARTICLE 6-A. RECORDS

§ 344. Short title

This Article shall be known and may be cited as the "County Records Law."

§ 345. Definitions

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

1. County. "County" means any county operating under general law or charter.

2. County official. "County official" means any elected or appointed member of a county government.

3. Record. "Record" means all documentary material, regardless of media or characteristics, made or received and maintained by a county in accordance with law or regulation or in the transaction of its official business.

§ 346. General requirements

The following provisions apply to county records.

1. **Delivery to successor in office.** County 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.

2. **Records available for public use.** Each county 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.

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

4. **Disposition of records.** No record shall be destroyed or otherwise disposed of by any county official, except as provided by the County 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 county or deposited with the State Archivist.

5. **Regulations of County Records Board.** Each county official shall comply with the standards, procedures and regulations issued by the County Records Board.

§ 347. County Records Board

There is created and established a County Records Board to consist of 5 members: Four county officials to be appointed by the Governor with advice and consent of the Council and the State Archivist who shall serve as chairman. 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.

§ 348. Powers and duties of board

The County Records Board shall establish standards, procedures and regulations for the effective management of county 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.

§ 349. Assistance to counties

The State Archivist shall provide advice and assistance to counties in the establishment and administration of county records programs. He shall provide program services to counties 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 348. Such services shall be furnished to counties at cost.

§ 350. Violation

Whoever violates any provisions of this chapter or rules and regulations of the County Records Board promulgated under section 348 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. 2. R. S, T. 30, §§ 351 and 352, repealed. Sections 351 and 352 of Title 30 of the Revised Statutes, as amended, are repealed.