

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 2434**

S. P. 866

In Senate, January 23, 1974

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

HARRY N. STARBRANCH, Secretary

Presented by Senator MacLeod of Penobscot, **BY REQUEST.**

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT Abolishing the Maine State Archives and Redistributing  
its Functions.**

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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.** Section 22 of Title 3 of the Revised Statutes, as amended, is further amended by repealing the 3rd sentence 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 5 years previously, and the State Archivist shall inspect said papers and preserve those having permanent value~~

**Sec. 2. R. S., T. 5, c. 6, repealed.** Chapter 6 of Title 5 of the Revised Statutes, as enacted by section 16 of chapter 625 of the public laws of 1973, is repealed.

**Sec. 3. R. S., T. 5, § 283, sub-§ 8, additional.** Section 283 of Title 5 of the Revised Statutes, as amended, is further amended by adding a new subsection 8 to read as follows:

**8. Bureau of Records Management Services.** The Bureau of Records Management Services, the head of which shall be the Director of Records Management Services.

**Sec. 4. R. S., T. 5, c. 156, additional.** Title 5 of the Revised Statutes is amended by adding a new chapter 156 to read as follows:

## CHAPTER 156

## RECORDS MANAGEMENT SERVICES

## § 1825. Powers and duties

The Department of Finance and Administration, through the Bureau of Records Management Services, shall have authority:

1. Records Management program. To establish in the executive branch of State Government an active, continuing program for the economical and efficient management of state records. The Director of Records Management Services shall, with due regard for the functions of the agencies concerned:

A. Records provisions. Conduct a continuing review of the records laws of the State and make recommendations consistent with the establishment of realistic retention schedules;

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

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

D. 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;

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

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 bureau.

2. Transfer of state records. To provide for the transfer to the Division of State Archival Services of state records disposed of under subsection 3, which have archival value;

3. 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 have no archival value to the State.

Sec. 5. R. S., T. 27, c. 1, sub-c. IV, additional. Chapter 1 of Title 27 of the Revised Statutes, as amended, is further amended by adding a new subchapter IV to read as follows:

**SUBCHAPTER IV**  
**ARCHIVES SERVICES**

**§ 75. Division of State Archives Services**

The Division of State Archives Services shall be under the direction of a director who shall be appointed by the State Librarian with the approval of the Commissioner of Educational and Cultural Services. The compensation of the director shall be fixed by the Governor and Council.

**§ 76. Powers and duties**

The Division of State Archives Services shall have authority:

1. Rules and regulations. To promulgate such rules and regulations as are necessary to effectuate the purposes of this subchapter. 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.

2. Transfer of public records. To receive all records transferred to the division under Title 5, section 1825, subsection 1, paragraph D and subsection 2. Whenever such transfer is made, the division shall transmit to the agency 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 agency. Unless otherwise directed by law, the records of any office, commission or committee in the executive branch of State Government shall, upon termination of its existence or functions, be transferred to the division;

3. Archives available for public use. To make archival material available for public use at reasonable times. The division shall carefully protect and preserve such materials from deterioration, mutilation, loss or destruction;

4. Copies. To furnish copies of archival material upon the request of any person, on payment in advance of such fees as may be required.

**Sec. 6. R. S., T. 30, § 346, sub-§ 4, amended.** Subsection 4 of section 346 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 289 of the public laws of 1973, is amended to read as follows:

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 their~~ permanent preservation shall be preserved by the county ~~or deposited with the State Archivist.~~

**Sec. 7. R. S., T. 30, § 347, amended.** Section 347 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 289 of the public laws of 1973, is amended to read as follows:

**§ 347. County Records Board**

There is created and established a County Records Board to consist of 5 members: ~~Four~~ Five persons to be appointed by the Governor with advice

and consent of the Council for a term of 3 years; one of whom shall be a county commissioner; one of whom shall be a register of deeds; one of whom shall be a register of probate; and one of whom shall be experienced in real estate title examinations; and a 5th person who shall be the State Archivist and 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~~ The members shall serve without compensation.

**Sec. 8. R. S., T. 30, § 348, amended.** Section 348 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 289 of the public laws of 1973, is amended to read as follows:

**§ 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, and shall follow the standards for the making of records set forth in Title 33, chapter 11, subchapter II. 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.~~

**Sec. 9. R. S., T. 30, § 349, repealed.** Section 349 of Title 30 of the Revised Statutes, as enacted by section 1 of chapter 289 of the public laws of 1973, is repealed as follows:

**§ 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~~

**Sec. 10. R. S., T. 30, § 2213, sub-§ 7, amended.** Subsection 7 of section 2213 of Title 30 of the Revised Statutes, as enacted by section 201 of chapter 625 of the public laws of 1973, is amended to read as follows:

**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.~~

**Sec. 11. R. S., T. 30, § 2214, amended.** Section 2214 of Title 30 of the Revised Statutes, as enacted by section 201 of chapter 625 of the public laws of 1973, is amended to read as follows:

There shall be a Municipal Records Board to consist of ~~3~~ 4 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 and the State Registrar of Vital Statistics~~, who shall be chairman ~~and the State Registrar of Vital Statistics~~. 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.

**Sec. 12. R. S., T. 30, § 2215, amended.** Section 2215 of Title 30 of the Revised Statutes, as enacted by section 201 of chapter 625 of the public laws of 1973, is amended to read as follows:

#### § 2215. 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~~

**Sec. 13. R. S., T. 30, § 2216, repealed.** Section 2216 of Title 30 of the Revised Statutes, as enacted by section 201 of chapter 625 of the public laws of 1973, is repealed as follows:

#### § 2216. 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 2215. Such services shall be furnished to municipalities at cost~~

**Sec. 14. R. S., T. 30, § 5705, repealed.** Section 5705 of Title 30 of the Revised Statutes, as amended, is repealed as follows:

#### § 5705. Records surrendered

~~Whenever any municipality within this State shall become deorganized, the municipality shall surrender all its records to the State Archivist~~

**Sec. 15. Transitional provisions.** The positions of those persons in the classified service assigned to the Division of Administrative Services under the Personnel Law shall terminate as of the effective date of this Act. Classified positions assigned to the Division of State Archives Services and the Division of Records Management Services shall be transferred to the Department of Educational and Cultural Services and the Department of Finance and Administration, respectively. Persons in the classified service assigned to the Division of Laboratory Services under the Personnel Law shall be transferred to the State Bureau of Purchases. Facilities assigned by law to the State Archivist in the Library-Museum-Archives Building shall be assigned to the Maine State Library Bureau. The Maximum Security Building at the Augusta State Hospital, which was transferred to the State Archivist by the Governor and Council, shall be transferred to the Department of Mental Health and Corrections. Notwithstanding the Revised Statutes, Title 5, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any part of the Maine State Archives, reallocation to another department under this Act, shall be transferred to the proper place in the reorganization by the State Controller, upon recommendations of the respective department heads, the State Budget Officer and upon approval by the Governor and Executive Council.

#### STATEMENT OF FACT

This Bill, if enacted, would implement Recommendations Nos. 21, 26, 30, State Archives, and No. 107, Department of Educational and Cultural Services, made by the Maine Management and Cost Survey Commission including:

- (1) The return of records management control to the individual State Departments;
- (2) The transfer of the archives function to the Maine State Library Bureau; and
- (3) The abolishment of the Maine State Archives as an organizational entity and the elimination of the office of State Archivist.

This legislation was not supported by the Governor in his Message of January 10, 1974.