

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1552

H. P. 1367

House of Representatives, April 16, 1981

Submitted by the Department of Finance and Administration pursuant to
Joint Rule 24

Out of Order, Referred to the Committee on State Government. Sent up for
concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kilcoyne of Gardiner.

Cosponsor: Representative Nadeau of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT Creating a Division of Records Management Services within the
Department of Finance and Administration.**

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

Sec. 1. 5 MRSA § 91, as enacted by PL 1973, c. 625, § 16, is repealed and the
following enacted in its place:

§ 91. Short title

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

Sec. 2. 5 MRSA § 92, as enacted by PL 1973, c. 625, § 16, is repealed and the
following enacted in its place:

§ 92. Declaration of policy

**The Legislature declares that it is the policy of the State to the end that the
people may derive maximum benefit from a knowledge of state affairs, to
preserve its noncurrent records of permanent value for study and research.**

Sec. 3. 5 MRSA § 92-A, sub-§ 2-A is enacted to read:

2-A. Noncurrent records. “Noncurrent records” means government records which are no longer needed by an agency and which may be disposed of as provided by law.

Sec. 4. 5 MRSA § 95, first ¶, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

The State Archivist shall have the powers and duties established under the following provisions governing the preservation of state records:

Sec. 5. 5 MRSA § 95, sub-§ 3, 3rd sentence, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

Restrictions or limitations imposed by law on the examination and use of records transferred to the Maine State Archives under section 1872, subsection 6, shall remain in effect until removed or relaxed by the State Archivist with concurrence in writing of the head of the agency from which the records were transferred or his successor in function, if any.

Sec. 6. 5 MRSA § 95, sub-§ 7, as enacted by PL 1973, c. 625, § 16, is repealed.

Sec. 7. 5 MRSA § 95, sub-§ 8, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

8. Transfer of state records. To provide for the transfer to the Maine State Archives of state records, disposed of under section 1872, subsection 6, which have archival value.

Sec. 8. 5 MRSA § 95, sub-§ 10, first sentence, as enacted by PL 1973, c. 625, § 16, is repealed and the following enacted in its place:

To receive all records transferred to the Maine State Archives and the records center on a space available basis under section 1872, subsection 6, and to negotiate for the transfer of public records from the custody of any public official not covered by section 1872. The State Archivist shall charge a fee sufficient to cover the cost of receiving and processing all transfers from the custody of any public official not covered by section 1872. The fees collected shall be deposited in the General Fund.

Sec. 9. 5 MRSA § 95, sub-§ 13, as enacted by PL 1973, c. 625, § 16, is amended by adding at the end a new paragraph to read:

Fees collected under this subsection shall be deposited in the General Fund.

Sec. 10. 5 MRSA c. 158 is enacted to read:

CHAPTER 158

RECORDS MANAGEMENT SERVICES

§ 1871. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Agency.** “Agency” means any department, bureau, division, commission, board or other unit of State Government created by law.

2. **Commissioner.** “Commissioner” means the Commissioner of Finance and Administration.

3. **Records.** “Records” means any paper, correspondence, form or other document, regardless of physical form or characteristics, made or received by any agency of State Government in the transaction of business.

4. **Records management.** “Records management” means a function to provide economy and efficiency in the operations of State Government through the application of management techniques, including, but not limited to, forms management, reports management, communications analysis and design, application of micrographics, methods and procedural analysis and design, and records retention and disposition scheduling.

§ 1872. Powers and duties

The Department of Finance and Administration shall have the powers and duties under the following provisions relating to the creation, use, maintenance, retention and disposal of state records:

1. **Policy and organization.** To formulate policies and establish organizational and operational procedures, subject to the approval of the commissioner;

2. **Employ assistants.** To employ, with the approval of the commissioner and subject to the Personnel Law, such assistants as may be necessary to carry out the purpose of this chapter;

3. **Records management programs.** To establish, maintain and administer in the Executive Branch of State Government an active and continuing records management program for the economical and efficient management of state records;

4. **Procedures.** To study, analyze, evaluate, develop and recommend procedures, forms, standards and techniques of record making and record keeping to officials of state agencies;

5. **Improvements.** To recommend improvements in the procedures of state government operations, including forms, reports, procedures and use of space, equipment, supplies and personnel employed in creating, processing and maintaining state records;

6. **Retention and disposition scheduling.** To establish retention and disposition schedules, in consultation with heads of state agencies, under which state records no longer possessing sufficient administrative, legal or fiscal value to warrant further keeping for current business are disposed of as provided by this chapter. The State Archivist shall be provided with retention and disposition schedules as they are established. The final disposition of all records shall be determined under section 95, subsection 9;

7. **Essential records program.** To establish and maintain a program in cooperation with each agency in State Government for the retention and preservation of records considered essential to the operation of State Government;

8. **Rules.** To promulgate such rules, with the approval of the commissioner, as are necessary for carrying out the purposes of this chapter;

9. **Training.** To develop and conduct records management training programs for personnel of state agencies;

10. **Reports.** To obtain such reports from state agencies as are required for the administration of this chapter;

11. **Examination of state records.** To have the right of reasonable access to and examination of all state records in the performance of the duties outlined in this chapter; and

12. **Professional and technical services.** To provide such professional and technical services to state agencies as may be necessary within funds available for carrying out this chapter.

Sec. 11. Transition clause.

1. Maine State Archives.

A. The Maine State Archives, a bureau within the Department of the Secretary of State, shall retain all authority and duties presently delegated to that agency, except for such authority and duties as are delegated to the Department of Finance and Administration and as otherwise indicated by this Act.

B. Employees of the present Maine State Archives, a bureau within the Department of the Secretary of State, shall remain within the Department of the Secretary of State, except for those employees transferred to the Department of Finance and Administration. The following positions and the employees currently filling these positions in the present Maine State Archives within the Department of the Secretary of State are transferred to the Department of Finance and Administration: One records management officer and one records management analyst III.

C. All regulations of the present Maine State Archives within the Department of the Secretary of State which are currently in effect and in operation shall continue in effect until rescinded, amended or changed. Those regulations relating to records management services within the Department of Finance and Administration are removed from the authority of the Maine State Archives within the Department of the Secretary of State.

D. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account relating to the subdivision to be reallocated to the Department of Finance and Administration pursuant to this Act, shall be

transferred to the Department of Finance and Administration by the State Controller, upon the recommendation of the Commissioner of Finance and Administration, the State Budget Officer and approval of the Governor.

Sec. 12. Adjustments to the General Fund. In order to provide the necessary adjustment of the General Fund to implement the recommendations of the Joint Standing Committee on Audit and Program Review, appropriations are adjusted by the amounts designated in the following tabulations.

	1981-82	1982-83
SECRETARY OF STATE, DEPARTMENT OF		
Maine State Archives—Administration		
Positions	(-2)	(-2)
Personal Services	(\$45,257)	(\$43,704)
All Other	(3,613)	(3,496)
	<u>(\$48,870)</u>	<u>(\$47,200)</u>
FINANCE AND ADMINISTRATION, DEPARTMENT OF		
Positions	(2)	(2)
Personal Services	\$45,257	\$43,704
All Other	3,613	3,496
	<u>\$48,870</u>	<u>\$47,200</u>
Provides for the transfer of 2 positions and funds associated with the records management program from the Maine State Archives to the Department of Finance and Administration		

STATEMENT OF FACT

The purpose of this bill is to establish a records management program within the Department of Finance and Administration by shifting records management responsibilities from the Maine State Archives to the Department of Finance and Administration.