

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 409

6  
7 H.P. 351

House of Representatives, February 1, 1983

8 Speaker laid before the House and on Motion of Representative Carter of  
9 Winslow, referred to the Committee on Appropriations and Financial Affairs.  
Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.  
11

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT Creating a Division of Records  
18 Management Services within the Department of  
19 Finance and Administration.  
20

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

23 Sec. 1. 5 MRSA §91, as enacted by PL 1973, c.  
24 625, §16, is repealed and the following enacted in  
25 its place:

26 §91. Short title

27 This chapter shall be known and may be cited as  
28 the "Archives Law."

29 Sec. 2. 5 MRSA §92, as enacted by PL 1973, c.  
30 625, §16, is repealed and the following enacted in  
31 its place:

1     §92. Declaration of policy

2             The Legislature declares that it is the policy of  
3 the State to preserve its noncurrent records of per-  
4 manent value for study and research, so that the  
5 people may derive maximum benefit from a knowledge of  
6 state affairs.

7             Sec. 3. 5 MRSA §95, first ¶, as enacted by PL  
8 1973, c. 625, §16, is repealed and the following  
9 enacted in its place:

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

13            Sec. 4. 5 MRSA §95, sub-§3, as enacted by PL  
14 1973, c. 625, §16, is amended to read:

15            3. Rules. To promulgate such rules and regula-  
16 tions as are necessary to effectuate the purposes of  
17 this chapter. No restrictions or limitations shall  
18 may be imposed on the use of records that are defined  
19 by law as public records or as records open to public  
20 inspection, unless necessary to protect and preserve  
21 them from deterioration, mutilation, loss or destruc-  
22 tion. Restrictions or limitations imposed by law on  
23 the examination and use of records transferred to the  
24 archives under subsection 7, paragraph C and subsec-  
25 tion 8 shall remain in effect until the records have  
26 been in existence for 50 years, unless removed or  
27 relaxed by the State Archivist with the concurrence  
28 in writing of the head of the agency from which the  
29 records were transferred or his successor in func-  
30 tion, if any. Restrictions or limitations imposed by  
31 law on the examination and use of records transferred  
32 to the Maine State Archives under section 1872, sub-  
33 section 6, shall remain in effect until removed or  
34 relaxed by the State Archivist with concurrence in  
35 writing of the head of the agency from which the  
36 records were transferred or his successor in func-  
37 tion, if any. The State Archivist shall promulgate  
38 rules and regulations governing the transfer of  
39 records from the custody of one agency to that of  
40 another, subject to any applicable provision of law;

41            Sec. 5. 5 MRSA §95, sub-§7, as enacted by PL  
42 1973, c. 625, §16, is repealed.

1           Sec. 6. 5 MRSA §95, sub-§8, as enacted by PL  
2 1973, c. 625, §16, is repealed and the following  
3 enacted in its place:

4           8. Transfer of state records. To provide for  
5 the transfer to the Maine State Archives of state  
6 records, disposed of under section 1872, subsection  
7 6, which have archival value;

8           Sec. 7. 5 MRSA §95, sub-§10, as amended by PL  
9 1981, c. 456, Pt A, §17, is further amended to read:

10           10. Transfer of public records. To receive all  
11 records transferred to the Maine State Archives under  
12 subsection 8 and to negotiate for the transfer of  
13 public records from the custody of any public offi-  
14 cial not governed by subsection 7. To receive all  
15 records transferred to the Maine State Archives and  
16 the records center on a space-available basis under  
17 section 1872, subsection 6, and to negotiate for the  
18 transfer of public records from the custody of any  
19 public official not covered by section 1872. The  
20 State Archivist shall charge a fee sufficient to  
21 cover the cost of receiving and processing all trans-  
22 fers from the custody of any public official not gov-  
23 erned by subsection 7 section 1872. The fees col-  
24 lected shall be deposited in the General Fund. Any  
25 public officer in Maine is authorized to turn over to  
26 the State Archivist such the public records legally  
27 in his custody as are not needed for the transaction  
28 of the current business of his office, whenever the  
29 State Archivist is willing and able to receive them.  
30 Whenever such the transfer is made, the State Archi-  
31 ivist shall transmit to the office from which the  
32 records are transferred a memorandum in which such  
33 the records are described in terms sufficient to  
34 identify them, which shall be preserved in said that  
35 office. Unless otherwise directed by law, the public  
36 records of any public office, commission or committee  
37 in the State shall, upon the termination of its  
38 existence or functions, be transferred to the custody  
39 of the State Archivist;

40           Sec. 8. 5 MRSA c. 158 is enacted to read:

41   CHAPTER 158

1 RECORDS MANAGEMENT SERVICES

2 §1871. Definitions

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

6 1. Agency. "Agency" means any department,  
7 bureau, division, commission, board or other unit of  
8 State Government created by law.

9 2. Commissioner. "Commissioner" means the Com-  
10 missioner of Finance and Administration.

11 3. Records. "Records" means any paper, corre-  
12 spondence, form or other document, regardless of  
13 physical form or characteristics, made or received by  
14 any agency of State Government in the transaction of  
15 business.

16 4. Records management. "Records management"  
17 means a function to provide economy and efficiency in  
18 the operations of State Government through the appli-  
19 cation of management techniques, including, but not  
20 limited to, forms management, reports management,  
21 communications analysis and design, application of  
22 micrographics, methods and procedural analysis and  
23 design, and records retention and disposition sched-  
24 uling.

25 §1872. Powers and duties

26 The Department of Finance and Administration  
27 shall have the powers and duties under the following  
28 provisions relating to the creation, use, mainte-  
29 nance, retention and disposal of state records:

30 1. Policy and organization. To formulate poli-  
31 cies and establish organizational and operational  
32 procedures, subject to the approval of the commis-  
33 sioner;

34 2. Employ assistants. To employ, with the  
35 approval of the commissioner and subject to the Per-  
36 sonnel Law, such assistants as may be necessary to  
37 carry out the purpose of this chapter;

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

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

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

15           6. Retention and disposition scheduling. To  
16 establish retention and disposition schedules, in  
17 consultation with heads of state agencies, under  
18 which state records no longer possessing sufficient  
19 administrative, legal or fiscal value to warrant fur-  
20 ther keeping for current business are disposed of as  
21 provided by this chapter. The State Archivist shall  
22 be provided with retention and disposition schedules  
23 as they are established. The final disposition of  
24 all records shall be determined under section 95,  
25 subsection 9;

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

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

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

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

1           11. Examination of state records. To have the  
2 right of reasonable access to and examination of all  
3 state records in the performance of the duties out-  
4 lined in this chapter; and

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

9           Sec. 9. Transition clause.

10          1. Maine State Archives.

11          A. The Maine State Archives, a bureau within the  
12 Department of the Secretary of State, shall  
13 retain all authority and duties presently dele-  
14 gated to that agency, except for such authority  
15 and duties as are delegated to the Department of  
16 Finance and Administration and as otherwise indi-  
17 cated by this Act.

18          B. Employees of the present Maine State  
19 Archives, shall remain within the Department of  
20 the Secretary of State, except for those employ-  
21 ees transferred to the Department of Finance and  
22 Administration. The following positions and the  
23 employees currently filling these positions in  
24 the present Maine State Archives are transferred  
25 to the Department of Finance and Administration:  
26 One records management officer and one records  
27 management analyst III.

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

36          D. Notwithstanding any other provision of law,  
37 all accrued expenditures, assets, liabilities,  
38 balances of appropriations, transfers, revenues  
39 or other available funds in any account relating  
40 to the subdivision to be reallocated to the

1 Department of Finance and Administration pursuant  
2 to this Act, shall be transferred to the Depart-  
3 ment of Finance and Administration by the State  
4 Controller, upon the recommendation of the Com-  
5 missioner of Finance and Administration, the  
6 State Budget Officer and approval of the Gover-  
7 nor.

8 Sec. 10. Adjustments to the General Fund. In  
9 order to provide the necessary adjustment of the Gen-  
10 eral Fund to implement the recommendations of the  
11 Joint Standing Committee on Audit and Program Review,  
12 appropriations are adjusted by the amounts designated  
13 in the following tabulations.

	<u>1983-84</u>	<u>1984-85</u>
14		
15	<u>SECRETARY OF STATE, DEPART-</u>	
16	<u>MENT OF</u>	
17	Maine State Archives	
18	-Administration	
19	Positions	(-2) (-2)
20	Personal Services	(\$45,257) (\$43,704)
21	All Other	<u>(3,613)</u> <u>(3,496)</u>
22	Total	(\$48,870) (\$47,200)
23	<u>FINANCE AND ADMINISTRATION,</u>	
24	<u>DEPARTMENT OF</u>	
25	Positions	(2) (2)
26	Personal Services	\$45,257 \$43,704
27	All Other	<u>3,613</u> <u>3,496</u>



1 Provides for the  
2 transfer of 2  
3 positions and  
4 funds associated  
5 with the records  
6 management pro-  
7 gram from the  
8 Maine State  
9 Archives to the  
10 Department of  
11 Finance and  
12 Administration

13 Total \$48,870 \$47,200

14 STATEMENT OF FACT

15 The purpose of this bill is to establish a  
16 records management program within the Department of  
17 Finance and Administration by shifting records man-  
18 agement responsibilities from the Maine State  
19 Archives to the Department of Finance and Administra-  
20 tion.

21 1873012083