

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

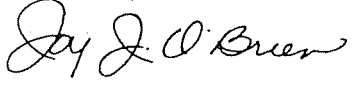
No. 575

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S.P. 245

In Senate, March 6, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CLARK of Cumberland.  
Cosponsored by Representative MAHANY of Easton, Senator CAHILL of  
Sagadahoc and Representative COLES of Harpswell.

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STATE OF MAINE

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

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An Act to Amend the Records Management Laws.

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

3 **Sec. 1. 5 MRSA §95, sub-§7, ¶D,** as enacted by PL 1973, c. 625,  
5 §16, is amended to read:

7 D. Obtain such reports from agencies as are required for  
the administration of the program; and

9 **Sec. 2. 5 MRSA §95, sub-§7, ¶E** is enacted to read:

11 E. Have approval authority for all acquisitions of media  
13 storage and media conversion equipment and of records  
management services to ensure that state records are  
15 properly scheduled and administered.

17 **Sec. 3. 5 MRSA §95, sub-§9,** as enacted by PL 1973, c. 625,  
§16, is amended to read:

19 9. Destruction of records. To authorize and receive  
21 confirmation of the destruction of the records of any state  
department which, in the opinion of the head of the department,  
23 are no longer of value to the department, and which, in the  
opinion of the State Archivist and the Archives Advisory Board,  
25 have no archival value to the State;

27 **Sec. 4. 5 MRSA §95, sub-§10-C,** as enacted by PL 1973, c. 625,  
§16, is amended to read:

29 10-C. Legislative records. The Secretary of the Senate and  
31 the Clerk of the House of Representatives shall obtain the  
noncurrent records of the Legislature and of each committee  
33 thereof at the close of each Legislature and transfer them to the  
Maine State Archives for preservation, subject to the orders of  
35 the Senate or the House, respectively, and subject to schedules  
established in consultation with the Executive Director of the  
Legislative Council;

37  
39 **STATEMENT OF FACT**

41 This bill provides technical corrections to the records  
43 management laws to improve the administration of state  
recordkeeping. Section 2 codifies the current practice between  
45 the Bureau of Purchases and the Maine State Archives, which  
allows the archives to ensure that a new record series is not  
47 created without first planning for the management of those  
records.

49 Section 3 codifies the current practice of documenting the  
destruction of state records. This important notification  
51 procedure should be established in statute to improve compliance

1 and to ensure that sensitive, personal records are properly  
destroyed.

3

5 Section 4 establishes a procedure for managing legislative  
records that is similar to that for other agencies of State  
Government. The final authority for the disposition of the  
7 records remains with the Legislature, but the new procedure would  
provide an orderly means for distinguishing those records with  
9 permanent value from those which may be destroyed after an  
appropriate period.