

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1076

S.P. 410

In Senate, April 6, 1989

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

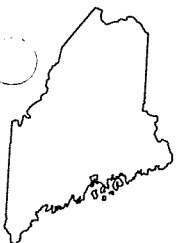
Presented by Senator BOST of Penobscot.

Cosponsored by Senator BERUBE of Androscoggin, Representative JOSEPH of Waterville and Representative DAGGETT of Augusta.

STATE OF MAINE

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

An Act to Create the Local Government Records Board.



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

3 **Sec. 1. 5 MRSA §12004-I, sub-§55,** as enacted by PL 1987, c.
786, §5, is repealed.

5 **Sec. 2. 5 MRSA §12004-I, sub-§55-A** is enacted to read:

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9

| | | | |
|--------------------|----------------------|-----------------------|------------------|
| <u>55-A. Local</u> | <u>Local</u> | <u>Not Authorized</u> | <u>30-A MRSA</u> |
| <u>and County</u> | <u>Government</u> | | <u>§1704</u> |
| <u>Government</u> | <u>Records Board</u> | | |

11 **Sec. 3. 5 MRSA §12004-I, sub-§56,** as enacted by PL 1987, c.
13 786, §5, is repealed.

15 **Sec. 4. 30-A MRSA c. 1, sub-c. VIII,** as enacted by PL 1987, c.
17 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, cc. 6 and
9, is repealed.

19 **Sec. 5. 30-A MRSA c. 15** is enacted to read:

21 **CHAPTER 15**

23 **LOCAL GOVERNMENT RECORDS**

25 **§1701. Short title**

27 This chapter shall be known and may be cited as the "Local
29 Government Records Law."

31 **§1702. Definitions**

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

35 1. Current record. "Current record" means a record needed
37 and used in the day-to-day conduct of the current business of a
local government or a local government official, and which must
39 be kept in office space and equipment for that purpose.

41 2. Local government. "Local government" means any
43 government entity that is not an agency of the State or of the
United States, specifically including counties, municipalities,
45 school districts, special purpose districts and similar
government entities.

47 3. Local government official. "Local government official"
means any elected or appointed member of a local government.

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

1
3 §1703. General requirements

5 The following provisions apply to local government records.

7 1. Omissions or errors corrected. When omissions or errors
9 exist in local government records, they shall be corrected under
11 oath by the person whose duty it was to make them correctly,
13 whether or nor that person remains in office.

15 A. If an original town meeting warrant is lost or
17 destroyed, the return may be made or amended on a copy of it.

19 2. Safe or vault for preservation. Each local government
21 shall provide a fireproof safe or vault for the preservation of
23 all records that are not current records. The official having
25 responsibility for those records shall deposit them in the safe
27 or vault where they shall be kept except when required for use.

29 3. Attestation. The records of a local government official
31 may be attested by volume. Each document is sufficiently
33 attested when the volume in which it is recorded bears the
35 attestation with the written signature of the official.

37 4. Delivery to successor in office. Local government
39 officials shall deliver the records of their office to their
41 successors in office upon the expiration of their terms.

43 5. Records available for public use. Each local government
45 official shall make records under that official's supervision
47 available for public use at reasonable times unless the use of
49 the records is otherwise restricted by law.

6. Protection of records. Local government officials shall
carefully protect and preserve the records of their office from
deterioration, mutilation, loss or destruction.

7. Disposition of records. No records may be destroyed or
otherwise disposed of by any local government official, except as
provided by the Local Government Records Board. Records which
have been determined by the board to possess sufficient archival
value shall be preserved by the municipality or deposited with
the State Archivist.

8. Regulations of Local Government Records Board. Each
local government official shall comply with the standards,
procedures and regulations issued by the Local Government Records
Board.

1 §1704. Local Government Records Board

3 The Local Government Records Board, as authorized by Title
5 5, section 12004-I, subsection 55-A, shall consist of 7 members:
7 the State Archivist, who serves as chair; the State Registrar of
9 Vital Statistics; and 5 persons to be appointed by the Governor
11 for a term of 3 years. Two of the appointed members shall be
13 municipal officials recommended by the governing board of a
15 statewide municipal association; one shall represent a
17 municipality of not more than 3,500 persons; 2 shall be county
19 officials; and one shall be a school district or school
21 department official. Any person appointed to fill a vacancy in
23 the membership of the board shall serve for the remainder of the
25 term for which that person's predecessor was appointed. The
27 board shall meet at the call of the chair, but not less than 4
29 times during a calendar year. Four members of the board shall
31 constitute a quorum. Appointive members shall be compensated
33 according to the provisions of Title 5, chapter 379.

21 §1705. Powers and duties of board

23 The Local Government Records Board shall establish
25 standards, procedures and regulations for the effective
27 management of local government records. These standards,
29 procedures and regulations shall, as far as practical, follow the
31 program established under the Archives and Records Management Law
33 to govern the creation, utilization, maintenance, retention,
35 preservation and disposition of state records, except as
37 otherwise provided in this chapter. The board may revise such
39 standards, procedures and regulations as it shall deem
41 necessary. Administrative services shall be provided by the
43 Maine State Archives, which shall serve as secretariat of the
45 board.

35 §1706. Assistance to local governments

37 The State Archivist shall provide advice and assistance to
39 local governments in the establishment and administration of
41 local government records programs. The State Archivist shall
43 provide program services to local governments similar to those
45 furnished to the agencies of State Government to the extent the
47 State Archivist deems desirable in 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 in accordance with section
1705. These services shall be furnished to local governments at
cost.

