

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 490

S.P. 181

In Senate, February 8, 1991

Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

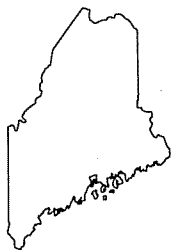
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BERUBE of Androscoggin
Cosponsored by Representative FARNSWORTH of Hallowell, Representative
WATERMAN of Buxton and Senator FOSTER of Hancock.

STATE OF MAINE

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

**An Act to Clarify Certain Laws Affecting the Maine State Archives,
Admissibility of Documents and Local Government Records.**



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

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4 Sec. 1. 5 MRSA §95, sub-§11, as enacted by PL 1973, c. 625,
§16, is amended to read:

6 11. Archives available for public use. To make archival
material under his the archivist's supervision available for
8 public use at reasonable times. He The archivist shall carefully
protect and preserve such the materials from deterioration,
10 mutilation, loss or destruction. Records maintained by the
archivist, that contain information relating to the identity of
12 an archives patron relative to the patron's use of materials at
the archives, are confidential. Those records and the
14 information contained in them may only be released with the
express written consent of the patron involved or as a result of
16 a court order;

18 Sec. 2. 16 MRSA §456 is amended to read:

20 **§456. Photostatic and microfilm reproductions admissible**

22 If, in the regular course of any business or governmental
activity, there is kept or recorded any memorandum, writing,
24 entry, print, representation or combination thereof, of any act,
transaction, occurrence or event, and in the regular course of
26 any such business or governmental activity, causes any or all of
the same to be recorded, copied or reproduced by any
28 photographic, photostatic, microfilm, micro-card, miniature
photographic, optical disk that is not erasable or other process
30 which that accurately reproduces or forms a durable medium for so
reproducing the original, such the reproduction or copy, when
32 satisfactorily identified, is as admissible in evidence as the
original itself in any judicial or administrative proceeding
34 whether the original is in existence or not and an enlargement or
facsimile of such the reproduction or copy is likewise admissible
36 in evidence if the original reproduction or copy is in existence
and available for inspection under direction of court. The
38 introduction of a reproduced record, enlargement or facsimile
does not preclude admission of the original. This section shall
40 may not be construed to exclude from evidence any document or
copy thereof which is otherwise admissible under the rules of
42 evidence.

44 Sec. 3. 30-A MRSA §1707, as enacted by PL 1989, c. 304, §5,
is amended to read:

46 **§1707. Violation**

48 Any person who violates any provisions of this chapter or
50 rules of the Local Government Records Board promulgated under
section 1705 is guilty of a Class D E crime.

STATEMENT OF FACT

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4 This bill provides patrons of the Maine State Archives the
6 same right to privacy as is now provided to patron's of libraries
8 in Maine, clarifies the status of an optical disk that is not
erasable as an acceptable storage medium for records admissible
in court proceedings and changes the class of crime from Class D
to Class E for persons who violate the provisions of the local
government records law.