## MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1991

Legislative Document

No. 1443

H.P. 994

House of Representatives, April 8, 1991

Reference to the Committee on Taxation suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative GOODRIDGE of Pittsfield. Cosponsored by Representative MAHANY of Easton.

STATE OF MAINE

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

An Act to Improve Records Management in Local Governments.



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Sec. 1. 30-A MRSA §1707, as enacted by PL 1989, c. 304, §5,
is repealed.

Sec. 2. 30-A MRSA §1708 is enacted to read:

#### §1708. Local Government Records Management Improvement Fund

The Local Government Records Management Improvement Fund is 10 established under the jurisdiction of the Local Government 12 Records Board. This fund must receive payments from the Treasurer of State as provided in Title 36, section 4641-B. The board shall provide services and grants to local governments to 14 improve records management practices to ensure that official records are not lost or improperly destroyed. Services may 16 include technical advice about microfilming standards, records 18 management techniques and document security from theft and physical deterioration. Grants must be made to local governments based on competitive project proposals and standards established 20 by the board as authorized by section 1705. The grants must be 22 designed to provide local governments with the proper equipment, storage facilities and project personnel to improve records management practices, compliance with existing requirements and 24 service to citizens of the State.

Sec. 3. 36 MRSA §4641-A, as amended by PL 1985, c. 381, §1, is further amended to read:

### §4641-A. Rate of tax

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There is imposed upon each the grantor and the grantee a tax upon the privilege of transferring and receiving title to real property at the rate of \$1.12 for each \$500 or fractional part thereof, of consideration therefor.

Sec. 4. 36 MRSA §4641-B, last  $\P$ , as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

The State Tax Assessor shall pay all net receipts to the Treasurer of State who shall credit 1.50% of the revenue to the Local Government Records Management Improvement Fund created in Title 30-A, section 1708; pay 49.25% to the General Fund; and monthly pay the remaining 49.25% to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

Sec. 5. 36 MRSA §4641-N, as enacted by PL 1985, c. 381, §3, is amended by adding at the end a new paragraph to read:

The Local Government Records Board shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters and the joint standing committee of the Legislature having jurisdiction over state and local government matters by April 1, 1993 and each 2 years thereafter. The report must cover the 2 prior fiscal years and must identify the amount of revenues under this chapter credited to the Local Governments Records Management Improvement Fund and the manner in which those funds have been used. The committees shall review that report by May 1st of the year in which it is received.

#### STATEMENT OF FACT

Local governments generally do not have the technical or financial resources to properly manage official records. As a result, records are often lost, improperly destroyed, misfiled or stored under conditions that deteriorate and ultimately destroy these records. Important financial, policy and personnel records must be retained to ensure the effective administration of government and protect the rights of citizens.

This bill increases the real estate transfer tax rate by 2¢ to provide funding for records management, following successful models in Kentucky, New York and other states. The distribution formula is revised so that there is no loss to the counties, the General Fund or the Housing Opportunities for Maine Fund. In fact, in keeping the formula calculation simple, counties will receive a coincidental increase of 1.82% and the General Fund and the Housing Opportunities for Maine Fund will each see a .29% increase.

The Local Government Records Management Improvement Fund is established to assist the Local Government Records Board in implementing existing standards and improving records management at the local level. While required by law, many municipalities do not have adequate fire-resistant vaults to contain vital records. This and other problems will be addressed by the board's program.