

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# NINETY - SECOND      L E G I S L A T U R E

---

---

**Legislative Document**

**No. 26**

S. P. 55

In Senate, January 17, 1945.

Referred to Committee on Judiciary, sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Clough of Penobscot.

---

---

## STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FIVE

---

---

### AN ACT Relating to the State Historian, State History and Public Records.

---

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

**R. S., c. 39, repealed and replaced.** Chapter 39 of the revised statutes is hereby repealed and replaced to read as follows:

#### **'CHAPTER 39.**

#### **STATE HISTORY AND PUBLIC RECORDS ACT.**

**Sec. 1.** State historian; appointment; duties. The governor, with the advice and consent of the council, shall appoint a state historian, who shall be a member of the Maine Historical Society, and who shall serve for a period of 4 years and thereafter until his successor is appointed and has qualified. He shall be a person qualified by training and experience to evaluate and arrange all material which shall come into his possession and to perform all other duties pertaining to the administration of the work of his office. It shall be his duty to formulate and administer policies and projects for the increase of authentic information about the history of Maine, for marking historical sites as authorized by the legislature, for the encouragement of research and study and activity for the promotion of historical interest and consciousness in the state, for compiling historical

data of the state, and for encouraging the teaching of the history of the state in the public schools. He shall also encourage the compiling and publishing of town histories, combined with local geography. He shall examine and, when he decides that the material is suitable, approve histories of towns compiled as provided in section 4.

Sec. 2. Non-current state records; collection and arrangement. The state historian shall be the legal custodian of all non-current state records in his custody and shall supervise their collection and arrangement in order better to facilitate their preservation, safety and accessibility for future use. He is authorized to negotiate for the transfer of and to receive public records from the custody of state and town officers. Any public officer in the state is authorized and empowered to place in the custody of the legal custodian for preservation and administration any public records legally in his possession which are not needed for the transaction of the current business of his office, whenever the state public records depository is prepared to receive and care for them. Whenever such transfer is made, the legal custodian shall transmit to the office from which the records are transferred a list in which such records are described in terms sufficient to identify them, which list shall be filed and preserved in said office. Unless otherwise directed by law, all public records of any public office in the state shall, upon the termination of the existence and functions of that office, be transferred to the office of the legal custodian.

The legal custodian shall collect, arrange and make available to the public at reasonable times all obtainable primary source materials of Maine history in original form or in copies. He shall keep the public records in his custody in such arrangement and condition as to make them accessible for convenient use and shall permit them to be inspected, examined, abstracted or copied at reasonable times and under his supervision by any responsible person. He shall upon the request of any person furnish certified copies thereof on payment in advance of fees adequate to cover the cost. Copies of public records transferred in pursuance of law from the office of their origin, when certified by the legal custodian, shall have the same legal force and effect as if certified by their original custodian.

Sec. 3. May approve publication of town history. Whenever any town shall present to the state historian material which he considers suitable for publication as a history of the town presenting the same, he may approve the publication of a history with the local geography which will be suitable for use in the elementary and high schools.

Sec. 4. Board to compile history. The superintending school commit-

tee and the superintendent of schools, with some citizen of the town to be elected by them, shall constitute a board to compile a history and the local geography of the town in which they reside. Two or more towns may unite in compiling and publishing a history and the local geography of the towns forming the union. The superintendent of schools shall forward 2 copies of such history to the state library and notify the commissioner of education of the title of said history.

Sec. 5. Towns publishing history to receive state aid. Whenever material for a town history with local geography has been approved by the state historian and the same has been published by the town, or by a union of towns, and provision has been made for its regular use in the public schools of such town or towns, the treasurer of state shall pay the town so publishing a sum not exceeding \$150, provided that the state shall not pay to any town more than  $\frac{1}{2}$  of the amount paid by said town for printing and binding the history thereof.

Sec. 6. Historical records and papers; preservation and arrangement. It shall also be the duty of the state historian, for their permanent preservation and use, to supervise the collection and arrangement of all available historical records and papers within the state which relate to the participation of the state in national and international wars; to the economic and industrial development of the state; and such other records of the lives of the people of the state as will prove of interest to future generations.

Sec. 7. State records; where deposited. All state records in the custody of the state historian shall be deposited by him in fireproof safes, vaults or rooms provided by the state for their safety, availability and preservation from deterioration, mutilation, loss and destruction.

Sec. 8. Salary; employees; expenses. The state historian shall receive such annual salary as shall be set by the governor and council. He may procure the services of such assistants and employees as may be necessary, subject to the provisions of the personnel law. The expenditures for administration and equipment in the care and preservation of public records and the actual cash expenses of the state historian incurred in the discharge of his official duties, including any sum necessarily contracted for by him for clerical assistance in arranging, classifying, preserving and indexing books, manuscripts, records, documents and papers now or hereafter in the possession of the state, shall be paid from such amounts as the legislature may appropriate. He may expend, under the direction of the governor and council, a reasonable sum in the publication of historical matter and data relating to the history of the state, or in making available, by

card catalogue or otherwise, historical materials in the possession of the state.

Sec. 9. Origin, production and deposit of public records. All agencies of the state shall make and keep all records necessary to a full and accurate knowledge of their activities; and the chief administrative officer of each agency of the state shall be in complete charge of its public records and shall be responsible for their making and preservation. Such state agencies are empowered to record or copy public records by any photographic process, approved by the legal custodian in the central depository for purposes of uniformity and durability, which clearly and accurately records or copies them.

The administrative head of every agency of the state, at the expiration of his term of office or authority, or on his death his legal representative, shall deliver to his successor in office all public records in his custody; and the successor shall receipt therefor to his predecessor or his legal representative and shall file in his office a signed acknowledgment of the delivery. He shall then transfer to the legal custodian of public records in the central depository all non-current records in his possession which have no further value in the administration of the business of his office.

Sec. 10. Definition of "public records". The term "public records", as used in this chapter, shall be deemed to comprise all written or printed books, papers, letters, documents, maps, plans, motion pictures, photographs, photostats, microfilms, sound recordings and other records, in whatsoever form, made or received in pursuance of state law or in connection with the transaction of public business by an agency of the state and preserved in official custody by that agency for record purposes. The public records of all agencies of the state thus defined are subject to control by the state and comprise the records of departments, commissions, committees, institutions and other subdivisions of the executive, legislative and judicial branches of the state.

Sec. 11. Title. This chapter shall be known and cited as the "State History and Public Records Act." '