

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

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J.S. McCarthy Company
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PUBLIC LAWS
OF THE
STATE OF MAINE

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C. For all other proceedings, \$8 for each such service and \$16 if the service is made in hand;

2. Disclosure subpoena. For the service of a disclosure subpoena as provided by Title 14, chapter 502, §§ 16;

14. Search for persons to serve. For diligently searching for persons ~~upon~~ on whom they are commanded to serve civil process when that party cannot be located at an address given to the sheriff or the deputy sheriff by the plaintiff or the plaintiff's attorney when commanding the service to be made, \$2 10, plus necessary travel.

See title page for effective date.

CHAPTER 304

S.P. 410 - L.D. 1076

An Act to Create the Local Government Records Board

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

Sec. 1. 5 MRSA §12004-I, sub-§55, as enacted by PL 1987, c. 786, §5, is repealed.

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

<u>55-A. Local and County Government</u>	<u>Local Government Records Board</u>	<u>Not Authorized</u>	<u>30-A MRSA §1704</u>
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Sec. 3. 5 MRSA §12004-I, sub-§56, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 4. 30-A MRSA c. 1, sub-c. VIII, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

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

CHAPTER 15

LOCAL GOVERNMENT RECORDS

§1701. Short title

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

§1702. Definitions

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

1. Current record. "Current record" means a record needed and used in the day-to-day conduct of the current

business of a local government or a local government official, and which must be kept in office space and equipment for that purpose.

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

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

4. Record. "Record" means all documentary material, 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.

§1703. General requirements

The following provisions apply to local government records.

1. Omissions or errors corrected. When omissions or errors exist in local government records, they shall be corrected under oath by the person whose duty it was to make them correctly, whether or not that person remains in office.

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

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

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

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

5. Records available for public use. Each local government official shall make records under that official's supervision available for public use at reasonable times unless the use of 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.

§1704. Local Government Records Board

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

§1705. Powers and duties of board

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

§1706. Assistance to local governments

The State Archivist shall provide advice and assistance to local governments in the establishment and administration of local government records programs. The State Archivist shall provide program services to local governments similar to those furnished to the agencies of State Government to the extent the 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.

§1707. Violation

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

Sec. 6. 30-A MRSA c. 125, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

See title page for effective date.

CHAPTER 305

H.P. 741 - L.D. 1024

An Act to Allow the Consideration of Foreign Convictions in Drug Cases

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

17-A MRSA §1105, sub-§1, ¶B, as enacted by PL 1987, c. 535, §3, is amended to read:

B. ~~He~~ The person violates section 1103, 1104 or 1106, and, at the time of the offense, ~~he~~ has been convicted of any offense under this chapter punishable by a term of imprisonment of more than one year, or under any law of the United States ~~or~~, of another state or of a foreign country relating to scheduled drugs, as defined in this chapter, and punishable by a term of imprisonment of more than one year. For purposes of this paragraph, a person shall have been convicted of an offense on the date the judgment of conviction was entered by the trial court.

See title page for effective date.

CHAPTER 306

H.P. 739 - L.D. 1022

An Act to Clarify Provisions of the Natural Resources Protection Act as They Relate to Aquaculture

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, review of aquaculture activities under the Natural Resources Protection Act duplicates review required under the aquaculture lease laws; and

Whereas, duplicated review creates undue hardship on aquaculture lease applicants and creates unnecessary work for the Department of Environmental Protection; and

Whereas, duplicated review may prevent lease applicants from timely receipt of a lease and may result in the loss of one or more growing seasons; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-