

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

## CHAPTER 704

H.P. 1721 - L.D. 2209

**An Act to Implement the  
Recommendations of the Secretary of  
State and the University of Maine  
System to Develop a Comprehensive  
Plan for Preserving and Protecting  
Historical Records and Access to  
Those Records**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 5 MRSA §95-B, sub-§2,** as amended by PL 1997, c. 636, §8, is further amended to read:

**2. Safe or vault for preservation.** Each local government shall provide a fireproof safe or vault for the preservation of all records that must be retained permanently but are not required for business purposes. The official having responsibility for those records shall deposit them in the safe or vault where those records must be kept except when required for use. Beginning in 2002, each local government shall respond to a survey distributed biennially by the State Archivist requesting:

- A. A description of the fireproof safe or vault required by this section;
- B. A statement of the adequacy of the safe or vault for the preservation of records that must be retained permanently; and
- C. A plan, if any, for the establishment or enhancement of a safe or vault to comply with the requirements of this section.

The State Archivist shall report the results of the survey, with recommendations, to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and over state and local government matters.

**Sec. 2. 5 MRSA §95-B, sub-§2-A** is enacted to read:

**2-A. Retention of archival records currently in digital form.** Beginning in 2002, each local

government shall respond to a survey distributed biennially by the State Archivist requesting:

- A. A description of the provisions currently in place for the preservation of records that must be retained permanently and are currently maintained in digital form;
- B. A statement of the adequacy of those provisions for the preservation of records that must be retained permanently; and
- C. A plan, if any, for the establishment or enhancement of those provisions to ensure the permanent retention of and access to these records.

The State Archivist shall report the results of the survey, with recommendations, to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and over state and local government matters.

**Sec. 3. 5 MRSA §98** is enacted to read:

**§98. Maine Historical Records Advisory Board**

The Maine Historical Records Advisory Board, established by section 12004-I, subsection 18-D and referred to in this section as the "board," is within the office of the State Archivist and serves to encourage the preservation of and access to historical records within the State.

**1. Duties.** In support of its mission, the board shall conduct the following activities:

- A. Make recommendations to the National Historical Publications and Records Commission regarding the funding of proposals seeking support from that commission;
- B. Develop, maintain and execute a strategic plan supporting the board's priorities for funding recommendations and other activities;
- C. Seek, receive and administer nonstate funds to support its priority activities;
- D. Work cooperatively with other state historical records advisory boards, especially those in New England;
- E. Report biennially to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and over state and local government matters on the board's activities and on the condition of historical records in the State; and
- F. Other activities it determines appropriate.

**2. Authority.** In order to carry out its mission, the board may make expenditures in accordance with the following:

A. Beginning with the 2004-2005 biennium, the Governor shall include in the budget submitted to the Legislature each biennium a line item to allow the expenditure by the board of any non-General Fund revenues received by the board, including federal funds, grants or gifts; and

B. Beginning with the 2004-2005 biennium, the Governor shall include in the budget submitted to the Legislature each biennium a line item to allow the expenditure by the board of any non-General Fund revenues received by the board to fund a full-time position.

**3. Membership.** The board consists of at least 7 and no more than 11 members who are appointed to serve as follows:

A. Except as provided in paragraph B, the Governor shall appoint all of the members, the majority of whom must have experience in the administration of historical records or in a field of research activity that makes extensive use of historical records;

B. The Director of the Maine Historical Society and the State Archivist are members ex officio and are voting members; and

C. The Governor shall appoint either the Director of the Maine Historical Society or the State Archivist to serve as the Maine Historical Records Coordinator and to serve as the chair of the board. The coordinator shall serve a term of 4 years and may not be compensated but may receive the reimbursements allowed members of the board.

All members, with the exception of the coordinator, serve 3-year terms. All members serve without compensation. All legally allowed expenditures incurred by the members in the performance of their duties may be reimbursed by the National Historical Publications and Records Commission or by other funds available to the board.

**4. Maine Historical Records Advisory Board Fund.** The Maine Historical Records Advisory Board Fund, referred to in this section as the "fund," is established for use by the board. Balances in the fund may not lapse and must be carried forward and used for the purposes of this section. The board may accept and deposit in the fund money from private and public sources.

**Sec. 4. 5 MRSA §12004-I, sub-§18-D** is enacted to read:

<u>18-D.</u>	<u>Maine</u>	<u>Not</u>	<u>5 MRSA</u>
<u>Education</u>	<u>Historical</u>	<u>Authorized</u>	<u>§98</u>
	<u>Records</u>		
	<u>Advisory</u>		
	<u>Board</u>		

**Sec. 5. Initial members.** The members serving on the effective date of this Act on the Maine Historical Records Advisory Board established pursuant to Executive Order No. 7 ordered on January 30, 1989 continue serving their terms of office as members of the Maine Historical Records Advisory Board established in the Maine Revised Statutes, Title 5, section 98.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF THE**

**Administration - Archives**

Initiative: Provides initial allocations for the Maine Historical Records Advisory Board.

<b>Federal Expenditures Fund</b>	<b>2001-02</b>	<b>2002-03</b>
Personal Services	\$0	\$500
All Other	0	500
<b>Total</b>	<b>\$0</b>	<b>\$1,000</b>
<b>Other Special Revenue Funds</b>	<b>2001-02</b>	<b>2002-03</b>
Personal Services	\$0	\$500
All Other	0	500
<b>Total</b>	<b>\$0</b>	<b>\$1,000</b>

**SECRETARY OF STATE, DEPARTMENT OF THE DEPARTMENT TOTALS**

	<b>2001-02</b>	<b>2002-03</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$1,000</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$1,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$2,000</b>

See title page for effective date.

**CHAPTER 705**

**S.P. 834 - L.D. 2215**

**An Act to Address the Cash Flow and Funding Needs of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003**

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