

MAINE STATE LEGISLATURE

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A report on the status and future of the
Maine State Cultural Building

Pursuant to 2007 Resolve, Chapter 151

Submitted to
The Joint Standing Committee
on State and Local Government

State of Maine
124th Legislature

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Introduction:

The Maine State Cultural Building, designed and constructed beginning in approximately 1967 and completed and occupied by approximately 1971, is a 5-floor, 160,000+/- square-foot facility located on the Capitol Campus of state government in Augusta, just to the south of the State House. The occupant agencies include the Maine State Library, the Maine State Museum and the Maine State Archives. The first two entities are independent agencies of state government and the latter is part of the Department of the Secretary of State.

There have been assertions and perceived concerns, accompanied by the adoption of Legislative Resolves, that the current facility is inadequate and that action is necessary in order to expand, renovate or replace the facility if the occupant agencies are to continue to do the work and perform the services assigned to them. Indeed, as reported in a 2007 Task Force report on this topic led by the Secretary of State at the direction of the Legislature, the need for more space was apparent nearly as soon as the facility opened in 1971 because the existing storage space already was too limited. Today, all three occupant agencies of the Cultural Building do use space at other sites. An estimated 75 percent of overall space used by the agencies is within the Cultural Building. The remaining space is located at other sites, primarily but not exclusively at a nearby state-owned building on Water Street in Hallowell.

The Legislature pursuant to 2007 Resolve, Chapter 151, instructed the Director of the Bureau of General Services to review this situation and to report back to the Joint Standing Committee on State and Local Government of the 124th Legislature.

This document is that report and offers the following core findings:

1. The Maine State Cultural Building is generally sound and is functional, even if dated by certain criteria. With regular care and maintenance, and improvements of a more substantial scale as warranted, the facility will continue to serve its existing purposes for the foreseeable future.
2. All three occupant agencies would welcome additional space and each can make a case for the valuable use to which it would put additional or renovated space. Only one occupant agency, the Maine State Archives, contends that it is falling short of its mandate and cannot manage its minimum responsibilities within the volume of space it currently occupies.
3. The Legislatively approved master plan for the campus, completed in 2001, ultimately does envision the expansion of the Cultural Building within the core Capitol campus. Such a project would require the involvement of multiple stakeholders, including but not limited to the Legislature, the occupant agencies, the Department of Administrative and Financial Services, and the Capitol Planning Commission, which has a statutory role for such a project.

4. In the current fiscal climate, there are insufficient resources available now or anticipated in the near future at the Bureau of General Services or at the occupant agencies to remove, replace or expand the facility.
5. The Bureau of General Services has continued to invest and improve the existing facility as resources permit and needs arise, and will continue to do so. The occupant agencies have done likewise. The Museum has just opened a new exhibit in renovated space and BGS has invested more than \$2 million in the facility since CY2000. BGS has plans for another \$500,000 in work on the building envelope in the next 1-2 years.

Discussion:

The core of this matter, based on a review of the available information, is not the facility itself, which has been touted for reuse even in some plans that called for the total relocation of the cultural agencies. Rather, the core issue is the potential need to provide additional appropriate storage space for the increasing volume of temporary and permanent materials held by the Maine State Archives.

The Archives is in the business of storing the state's records and it currently maintains more than 200 million pages of them. Interim materials – often referred to as “records” by the Archives – typically are stored for a specified period of time or retention period, then destroyed. Long-term materials – often referred to as “archives” – are deemed to be of permanent value and are stored in perpetuity unless de-accessioned. The Archives can provide a more informative description than this, but the distinction is provided here because the two categories of materials, one temporary and one permanent, place at least somewhat different demands on the facilities in which they are located, are treated differently by the program and currently are housed for the most part in different locations.

Generally, both for records and archives, the annual rate of accumulation of materials increases over time and the total amount of material requiring storage likewise increases. This means, absent technology or new business practices of some kind (either at the location where the materials are created or at the Archives where they are stored), the amount of physical space required for both types of materials increases inexorably.

The Archives has explained that it currently experiences an average annual increase in demand for approximately 2,500 feet of archival space. The Bureau of General Services estimates this figure roughly corresponds to 900 additional square feet of typical storage space per year. This is an estimate only, but is a useful reference point for discussion purposes.

For its part, the Archives independently has suggested a 50-year solution would involve perhaps an additional 60,000 square feet of space, for 100,000 total square feet or more being dedicated to Archives. The companion estimate from Archives is a need for 200,000 square feet if the Archives were wholly to consolidate its temporary and permanent holdings at a new, single location. For context, the Archives today has the use of approximately 52,000 square feet of space overall and the size of the Cross Office Building is approximately 250,000 square feet.

There are options available to the Archives which would minimize the need for additional space. While those options might resolve the space issue, that does not mean those options are free of any cost or are viewed by the program as appropriate or even compatible with their responsibilities. High-density shelving, for example, can provide more storage in the same amount of floor space and has been used with some success, but has limits and is not without costs. Also, for example, some kind of electronic archiving or record retention system could save space, but such technology certainly comes with its own costs and has implications for the very nature of archival storage.

Absent changes in the established mission of the Archives or the professionally established practices for the implementation of that mission, the program would be expected to experience a never-ending need for additional space for the long-term storage of physical materials on both an interim and permanent basis. The Archives asserts this situation is no longer a future possibility, but a current reality. This core issue along with the desire for improved or additional space and the fulfillment of the master plan for the campus has resulted in the subsequent review of this situation. The Legislature adopted a Resolve on this topic in 2006 (2005 Resolve, C. 168), received a report in 2007 during the 1st Session of the 123rd, carried over action on that report to the 2nd Session in 2008, adopted a resolve in 2008 (2007 Resolve, C. 151), and is now receiving this report in 2009.

This report builds on but does not review prior reports at length. Certain material is attached to this report and, in brief, it should be mentioned that perhaps the highest ambitions for the future of a Cultural Building were documented in a task force report on the topic led by the Secretary of State and submitted to the Joint Standing Committee on State and Local Government in 2007. That report contained various options that, for example, called for possibly relocating the Maine Department of Transportation Fleet Services Center from its current site at the corner of Sewall and Capitol Streets, possibly also relocating the nearby Maine State Retirement System, constructing a new Cultural Building and parking facility on the former MaineDOT site, and relocating other agencies – potentially some component of the Judicial branch of government – into a renovated Cultural Building. The vision was attractive. At the same time, there were concerns. Chief among the concerns was the cost of such a project. The very preliminary estimates presented to the Task Force at the time indicated costs could reach \$150-\$200 million or more. There also were diverse views of the plan, including among the occupant agencies themselves, not all of which were in support of a physical relocation from the existing facility, which involves cost and disruption to their respective organizations and missions.

Summary of options:

This report seeks briefly to summarize the recent history and status of this issue, and to identify hopefully pragmatic options for providing more space where or when space may be needed.

If there is a desire to provide more space, a fiscally-constrained approach might mean continuation of the near status quo at the Cultural Building itself, with the clear understanding that maintaining the status quo is not the equivalent of doing nothing. For example, even in a status quo situation, regular maintenance occurs, the Museum has recently opened a new exhibit, more than 3,000 square feet of off-site storage space was provided to the Archives in 2007-2008 at state-owned sites, all three agencies continue to function as best they are able, and the occupant agencies as well as the Bureau of General Services continue to invest in the facility as resources allow. BGS, for its part, has a project estimated at \$500,000 planned in the next 24 months regarding the building envelope and facade. This will bring its investment in the facility since 2000 to approximately \$2.8 million, above and beyond daily operations. At the same time, under this constrained approach, the Bureau of General Services could and would continue to scan for unique opportunities that might provide unexpectedly appropriate space at unexpectedly cost-effective rates. No such options are in place today, but BGS could and would monitor for such unique or unexpected opportunities. Such opportunities do occur.

At a greater level of action, the Bureau of General Services could seek leased space in the private market, perhaps 10,000-20,000 square feet of off-site space, for use by the Maine State Archives. The estimated lease cost of such additional space would be \$100,000-\$300,000 annually, exclusive of one-time moving and other associated costs. A space of 20,000 additional square feet would represent an estimated 35 percent increase in the overall space available to the Archives today. This step certainly would require further planning and implementation, but could be undertaken without massive additional study and assessment. Based on estimates provided by the Archives, this amount of space could provide perhaps 20 years of relief. At that time, the Archives estimates it would again need more space. There are no funds known to support such an approach at this time.

At a maximum, the general direction of the options in this report eventually could involve relocating all of the current Archives services and storage to a single off-site facility, perhaps leaving behind no public presence or a greatly reduced public presence for the Archives in the current building. Leasing approximately 100,000-200,000 square feet in the private market could cost in the range of \$1 million-to-\$3 million annually, depending on the final specifications and the rates achieved in the marketplace. While this approach is undoubtedly more costly and can seem expensive when viewed only in the context of providing more space to the Archives, this approach also would allow for the consolidation of the Archives programs and for the future expansion of the remaining agencies into the newly vacated space at the Cultural Building with a comparatively low initial cost relative to options involving construction of a new facility for all three agencies.

When viewed in this context, it may be a cost-effective approach to expanding the use of the existing facility without expanding the footprint. Extensive further analysis and cost information would be needed before any such step could seriously be considered. There are no funds available at this time for such an initiative.

Conclusion:

This report has sought to summarize the recent history and status of this issue, and to identify practical options for providing more space where or when space may be needed, principally for use by the Maine State Archives. In response to 2007 Resolve, Chapter 151, this report respectfully suggests that a pragmatic course would defer expansion or wholesale replacement of the facility at this time. Such a deferment would mean focusing instead on asking all participants to do the best job possible within the available resources, allowing re-consideration of the necessity and cost-effectiveness of the co-location of the three agencies in any single facility, realizing that additional investment will be needed in the existing facility, understanding that additional off-site space appropriate to the needs of the Archives eventually may be necessary under current business practices, and acknowledging that no funding is known to be available to implement more than the most modest and fiscally-constrained options at this time which can be done within existing resources.

RESOLVES

Second Regular Session of the 122nd

CHAPTER 168 H.P. 1473 - L.D. 2082

Resolve, Directing the Secretary of State To Establish a Task Force To Develop a Plan for the Maine State Cultural Building in Augusta

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

Whereas, the Maine State Cultural Building is experiencing a severe shortage of archive space and physical building damage that could lead to the loss of cultural artifacts, books and archived records; and

Whereas, the task force established in this resolve will need time to develop options for the improvement of the Maine State Cultural Building and to investigate funding sources; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Secretary of State directed to establish task force to develop plan for cultural building in Augusta. Resolved: That the Secretary of State shall establish a task force to develop a plan for the Maine State Cultural Building. The task force shall include representatives from the Capitol Planning Commission; the Maine Historic Preservation Commission; the Maine State Library; the Maine State Museum; the Maine State Archives; the Department of Administrative and Financial Services, Bureau of General Services; the University of Maine System; the City of Augusta; the Maine Archives and Museums Association; the Maine Library Association; and other individuals or organizations with a demonstrated interest in the cultural affairs of the State; and be it further

Sec. 2. Task force duties. Resolved: That the task force established in section 1 shall examine and make recommendations regarding the following issues concerning the Maine State Cultural Building:

1. Space limitations, mechanical problems, energy inefficiencies and physical deterioration;

2. The possibility of constructing a new building;
3. Obtaining federal sources of funds to be used for upgrading and expanding cultural facilities in Augusta;
4. Obtaining private sources of funds to be used for upgrading and expanding cultural facilities in Augusta; and
5. Ways for the State to work collaboratively with universities to develop cooperative agreements to meet the cultural needs of the State.

Recommendations for building and grounds improvements must be consistent with the Capitol Planning Commission master plan and rules; and be it further

Sec. 3. Report and recommendations. Resolved: That the task force established in section 1 shall report its findings and recommendations under section 2, including any suggested legislation jointly to the joint standing committee of the Legislature having jurisdiction over state and local government matters and the Capitol Planning Commission no later than January 15, 2007; and be it further

Sec. 4. Authority to report out legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to report out legislation concerning the finding and recommendations under section 2 to the First Regular Session of the 123rd Legislature.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 6, 2006.

Resolves
123rd Legislature
Second Regular Session

CHAPTER 151
H.P. 1308 - L.D. 1876

**Resolve, Regarding the Maine State Cultural Building in
Augusta**

Sec. 1. Director of the Bureau of General Services to report on the status of the Maine State Cultural Building in Augusta. Resolved: That the Director of the Bureau of General Services within the Department of Administrative and Financial Services, referred to in this resolve as "the director," shall provide a report on the status and future of the Maine State Cultural Building in Augusta, taking into account the prior work on this topic, including the work of the task force authorized by Resolve 2005, chapter 168. In preparing this report, the director shall consult with the Secretary of State, who represents the task force established by Resolve 2005, chapter 168, and other individuals or organizations determined by the director; and be it further

Sec. 2. Application authorized. Resolved: That the director is authorized to apply for grant money for funding, including from the New Century Community Program, and to expend in compliance with other applicable law any such funds received for architectural or other professional services in connection with the report required in section 1; and be it further

Sec. 3. Report. Resolved: That the director shall submit the report on the status and future of the Maine State Cultural Building pursuant to section 1 to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than February 1, 2009; and be it further

Sec. 4. Authority to report out legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation concerning the Maine State Cultural Building to the First Regular Session of the 124th Legislature.

Effective June 30, 2008

Cultural Building Task Force Findings and Recommendations

*Prepared for the 123rd Maine Legislature
Pursuant to Resolve 2005, Chapter 168*

January 15, 2007



*Prepared by the Department of the Secretary of State
Secretary of State Matthew Dunlap*

FINDINGS AND RECOMMENDATIONS

In March of 2006, the 122nd Maine Legislature approved L.D. 2082, calling for a study of the needs for Maine's Cultural Building.

The reasoning behind the initiative was direct:

"...The Maine State Cultural Building is experiencing a severe shortage of archive space and physical building damage that could lead to the loss of cultural artifacts, books and archived records...and in the judgment of the Legislature, these facts create an emergency...and require the following legislation as immediately necessary for the preservation of the public peace, health and safety...."

The Legislature charged the Secretary of State to lead a Task Force "to develop a plan for the Maine State Cultural Building."

As part of its duties, the Task Force was instructed to examine and make recommendations regarding:

1. Space limitations, mechanical problems, energy inefficiencies and physical deterioration;
2. The possibility of constructing a new building;
3. Obtaining federal sources of funds to be used for upgrading and expanding cultural facilities in Augusta;
4. Obtaining private sources of funds to be used for upgrading and expanding cultural facilities in Augusta; and,
5. Ways for the State to work with universities to develop cooperative agreements to meet the cultural needs of the State.

The Legislature also required that any Task Force "recommendations for building and grounds improvements must be consistent with the Capitol Planning Commission master plan and rules."

Responding to the legislative charge, the Task Force concluded that federal funds are not available to meet this purpose (Item 3), and that any private funding would be extremely limited (Item 4).

Additionally, the Task Force believes that the State and its universities currently collaborate on meeting Maine's cultural needs (Item 5).

The recommendations that follow address Items 1 and 2.

HISTORY

The 103rd Maine Legislature gave birth to the Cultural Building in asking voters to approve a \$4.3 million bond issue to construct a single building to house three agencies, the State Archives, State Museum, and State Library. Following bond issue approval, the State availed itself to an additional \$500,000 in federal funding to defray construction costs.

The rationale behind uniting the agencies centered on the shared but distinct missions of protecting and presenting the history and heritage of Maine through its public documents, artifacts, records and books. Until that time, no comprehensive State Museum existed, and the archive function was scattered about southern Kennebec County.

ITEM ONE

Opened in 1971, the Cultural Building was soon forced to seek alternative storage space because the existing building was already too small to accommodate the collection demand. Off site storage continues for all three resident agencies.

Inadequate space is one part of the problem. Additionally, the Building's construction occurred before energy and environmental sensitivities arose. As a result, the Building is a year-round energy drain because it lacks insulation. Moreover, it remains an environmental challenge to all collections because no vapor barrier/lock exists to mitigate the effects of climate change.

Furthermore, since its construction, the Cultural Building has undergone numerous and extensive repairs and replacements, such as asbestos abatement, that have required agency closures. Within the last six years, the Bureau of General Services completed more than \$2.2 million in repair/replacement projects. More projects are pending, but none that address the need for building insulation or the introduction of a vapor lock.

Two architectural assessments within the past five years estimate that merely bringing the Building up to construction code will cost in excess of \$35 million.

Of equal import, the resident agencies are constrained, by insufficient or inadequate space, from meeting their service expectations to the State and the public.

ITEM TWO

Accordingly, the Task Force developed a list of alternatives regarding how best to meet its charge.

- Option 1: Do nothing
- Option 2: Renovate the Cultural Building
- Option 3: Renovate and expand the Cultural Building
- Option 4: Raze the Cultural Building; construct anew on site
- Option 5: Construct new on extended Capitol Campus
- Option 6: Construct new on existing Capitol Campus

The Task Force also briefly discussed dividing the current resident agencies. This idea was rejected because it departs from the original intent of the Legislature, is contrary to the agencies' wishes, and would further inconvenience the public.

As implied in the enabling legislation, the two-fold difficulties of the Cultural Building – space and condition – are formidable in any structure, but are even more so when the missions of the building residents are vital and, in many respects, priceless.

Against the backdrop of evident needs, the Task Force unanimously rejected Option 1, to do nothing about the Building.

Similarly, the Task Force rejected Option 2, to renovate the building, because it would not answer the need for additional space.

Upon examining the expense and inconvenience associated with razing the Building and constructing a new facility on the same site, the Task Force rejected Option 4.

In rejecting Options 1, 2, and 4, the Task Force expresses its full agreement that the State consider new construction, either by renovating and expanding the current Building, or by constructing a new facility. This conclusion, however, warrants further analysis before committing to one or the other option.

Of the two remaining options, the Task Force split. Some members prefer Option 3, Renovation and Expansion. The Task Force recommends a more thorough and comprehensive consideration of this option than was incorporated in the 2001 Harriman Report. Parking and access will be critical issues, and Option 3, like Option 6, will need to be phased in to conserve resources, especially involving the "swing space" issues of moving and temporary storage costs. All of the

explored options are expensive, but Option 3 is the less costly of the two preferred options.

Option 6 also received significant support. Execution of Option 6 would be best carried out by freeing up Campus space by relocating the Department of Transportation Fleet Services Center away from Capitol Street, possibly relocating the Maine State Retirement System, and constructing terraced parking adjacent to Capitol Street for some 750+ vehicles. This option presents the opportunity for establishing a Maine government visitor's center and constructing a new Cultural Center (Library, Museum, Archives, Film and Arts) in Parking Lot F, west of the Cross State Office Building. Both of these steps could be done in phases. The current Cultural Building could then be renovated and re-used, with some possibilities identified in this report.

Phase I of Option 6, relocating Fleet Services, can be carried out regardless of the selection of any option, and would benefit the public and the Campus. The following recommendations are presented to inform the continuance of this process:

RECOMMENDATION ONE

The Task Force recommends that a comprehensive consideration be funded and conducted and that a design study to renovate and expand or to replace the Cultural Building be developed for Legislative and Executive review.

Maine's investment in a state-of-the-art Cultural Building would be timely in view of findings in the 2006 *Brookings Report*. The Report refers to Maine's quality-of-place as the state's most significant asset.

The State's cultural agencies attempt to teach, lead and model the preservation and cultural advancement initiatives that embody Maine's quality-of-place. Limitations of the current Building, however, make many important services and activities nearly impossible.

With consensus support to renovate and expand the existing Building or to build a new facility, the Task Force approaches the 123rd Legislature with a related series of recommendations.

Assessing the plight of the Building, the Task Force discovered that the internal challenges of space and conditions were accompanied by another service need, a need that affects the entire Campus. The lack of convenient parking makes

access to the Cultural Building difficult. Any remedy of the needs of the Building requires addressing the issue of Campus parking and access.

The Task Force located a potential resource that could alleviate the parking/access challenge. Specifically, the Department of Transportation Fleet Services operation adjacent to Capitol Street occupies more than 12 acres of land that could be used to relieve campus congestion.

The Department has long desired to find a site more suitable for fleet services, and the State Facilities Master Plan of 2001, adopted by the 120th Maine Legislature, identifies the present use of the acreage to be of low value for the location.

Recognizing that providing additional space for a Cultural Building will consume existing parking space, the Task Force encourages considering the relocation of Fleet Services as a key first step to improving long-term Campus access and utility.

Addressing the Fleet Services area first would ensure that sufficient parking is available during the subsequent phases of any Cultural Building initiative. Furthermore, the Fleet Services site has been judged to be environmentally clean, which would accommodate a rapid and reasonably priced re-use.

RECOMMENDATION TWO

The Task Force recommends that the Maine Department of Transportation's Fleet Services and related activities be removed from the Capitol Campus property adjacent to Capitol and Sewall Streets.

The Task Force concurs with the objectives of the State Facilities Master Plan to establish a pedestrian-exclusive area among Campus buildings. Improving safety on the Campus for employees and the public is a welcome by-product of this proposal.

The existing Cultural Building, while no longer adequate for the resident agencies, remains a Campus asset.

Accordingly, the Task Force broached the subject of possible cost-effective re-uses.

One possibility arose from a review of the 1989 Space Management Consultants' report to the 119th Maine Legislature on Planning and Programming for the new Supreme Judicial Court Building in Augusta.

It resolved that no property then available was suitable for use by Maine's Supreme Judicial Court. Thus Maine remains the only state where the three branches of government are not in a united capital location.

The Judiciary then was seeking an approximately 80,000 square-foot structure to house the Court and related offices.

The Cultural Building (161,000 sq. ft.) meets the spatial and geographic aims identified in the Space Management report.

Maine Supreme Judicial Court Chief Justice Leigh Saufley and Court Administrator Theodore Glessner toured the Cultural Building and deemed it suitable for renovation as a home for the Supreme Judicial Court and the Administrative Offices of the Court – with the likelihood of additional space being made available for legislative offices and hearing rooms.

RECOMMENDATION THREE

The Task Force recommends providing planning assistance to the Maine Judiciary to study the feasibility of housing the Maine Supreme Judicial Court and the Administrative Office of the Court on the Capitol Campus.

The Task Force recognizes that its range of recommendations goes beyond what might have been construed as its initial charge from the 122nd Maine Legislature. Rather than regret that expansion, however, the Task Force embraces it as a needed step in arriving at a remedy for the needs of the Cultural Building.

Respectfully submitted,

Matthew Dunlap
Secretary of State

CULTURAL BUILDING TASK FORCE PARTICIPANTS

Matthew Dunlap	Secretary of State, Task Force Chair
Ned Allen	Maine Association of Archives & Museums
Bill Dowling / Bill Bridgeo	City of Augusta
Barbara McDade	Maine Library Association
Donald Nicoll	Capitol Planning Commission
Earl Shettleworth	Maine Historic Preservation Commission
Janet Waldron (alternate Elaine Clark)	University of Maine System
Becky Wyke (alternate Chip Gavin)	Bureau of General Services, DAFS
Elizabeth Mitchell	State Senator
Brad Moulton	State Representative
David Boulter	Exec. Director Legislative Council
John Buck	Former Legislator
Richard Berry	Former Legislator
Charles Cawley	Former MBNA Owner
Dave Cheever	Maine State Library Planning & Research
James Henderson	State Archivist, Maine State Archives
Phillip Isaacson	Maine Arts Commission / Lewiston Attorney
P. James Dowe (alternate Gil Maxwell)	Maine Public Broadcasting
Gary Nichols	State Librarian, Maine State Library
J.R. Phillips	Director, Maine State Museum
Lynn Randall	State Law Librarian, Legislative Law Library
John Rohman	Chairman, Maine Arts Commission / WBRC
Alden Wilson	Director, Maine Arts Commission
Neil Rolde	Historian, Former Legislator

Invitations for consultation were sent in September 2008 to various stakeholders, including the Maine State Museum, the Maine State Library, the Maine State Archives, the Secretary of State and to the Capitol Planning Commission. Formal and informal, written and verbal consultations followed. The formal written comments which were received are attached here.



STATE OF MAINE

OFFICE
OF THE
SECRETARY OF STATE

MATTHEW DUNLAP
SECRETARY OF STATE

September 29, 2008

Mr. Chip Gavin, Director
Bureau of General Services
Department of Administrative & Financial Services
77 State House Station
Augusta, ME 04333-0077

Dear Mr. Gavin,

Thank you for your letter of September 18, 2008, requesting our input on Resolve Chapter 151 and the update on the shelving and storage projects at the State Archives. State Archivist Dave Cheever will be providing you with information for the report to the Joint Standing Committee on State and Local Government, and I am providing additional information regarding the current projects undertaken to relieve the shortage of space for records and archival material.

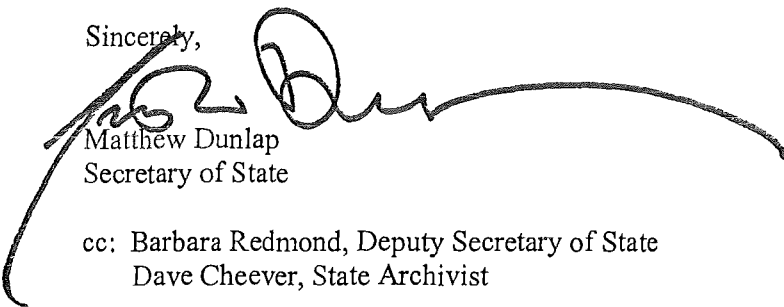
The installation of additional high density shelving at the Archives and the use of the Greenlaw Auditorium on the East campus resulted in freeing up 4,900 cubic feet of storage space. If that space were to be used for only the 1,105 cubic feet of archival material generated annually within the executive and legislative branches, the additional space would provide relief for two to three years.

The new and reconfigured areas, however, will not be used only for archival purposes going forward. They must also address the backlog of material that has been delayed in transmission because of the lack of room. The scarcity of shelf space resulted in the halting of transmittals of material to the Archives across State government. That backlog amounts to more than 5,300 cubic feet of archival documents, and a slightly larger backlog exists for the Records Center.

Thus, the available space freed up by installing the new shelving is already spoken for. While the Archives will be able to relieve some -- but not all -- of the existing backlog; for planning purposes, no new material will be allowed in. Despite the heroic efforts to address this issue within the confines of the resources available, the chronic nature of the problem continues to defy current capacity as a long-term solution.

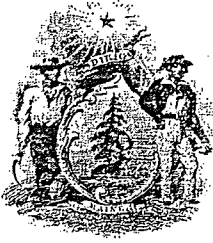
Thank you for your assistance thus far, and please extend my sincere gratitude to staff members who have worked on these projects. We are optimistic that the report will provide the necessary information and lay the foundation for a permanent solution.

Sincerely,



Matthew Dunlap
Secretary of State

cc: Barbara Redmond, Deputy Secretary of State
Dave Cheever, State Archivist



State of Maine
Maine State Archives
84 State House Station
Augusta, Maine 04333 0084

Matthew Dunlap
Secretary of State

David Cheever
State Archivist

October 9, 2008

Mr. M.F. Chip Gavin
Director
Bureau of General Services
7 State House Station
Augusta ME 04333-0077

Dear Mr. Gavin,

Thank you for your letter of September 18 and your interest in the future of the Maine State Cultural Building.

Of the three resident agencies of that building, the Archives is unique in that to meet its charge it cannot refrain from accepting material. That reality has played a substantial part in bringing the question about the future of the building to a head.

While the respective branches and agencies of State government continue to generate records and documents that must be appropriately preserved and yet simultaneously remain accessible, the space wherein that material can be housed is exhausted.

The Cultural Building opened in 1971 to considerable and well-deserved fanfare.

The building, however, was never intended to suffice as an archives beyond 35 years.

The Library can, if it so chooses, pare its collection to the agency's available space. Within its mission, the area allotted to the Library may work adequately.

Similarly, the Museum's space can be fully used and re-used, but the exhibited artifacts are selected by the agency; there is no mandate that the rest of the holdings be accessible.

The Archives, however, bears the responsibility of accepting the state's historical records, properly preserving them, and making them available to the public.

For that, the Archives needs room. And despite the best efforts within the last decade to accommodate demand for additional storage and increase efficiencies to maximize available space, the Cultural Building is no longer sufficient.

The area dedicated to the Archives within the current building is under 40,000 square feet.

Prudently, in considering a resolution to the need for more space, any remedy should consider the existing holdings and marry them to the anticipated volume of transmittals for a period of 50 years. That would suggest the need for 100,000 square feet.

As a second consideration, the same space crunch that burdens the Archives afflicts the Records Center, where an array of non-permanent records consumes about the same amount of room.

To address the needs there, yet realize economies of staffing, logistics, construction and maintenance, combining the two functions in a discrete environment is an appealing option that could best serve the State's long term interests.

That would perforce double the size of any new home for the Archives to approximately 200,000 sq. ft., assuming that the agency would be the sole tenant.

Furthermore, removing the Archives from the Cultural Building would present options regarding the remaining tenants or any new tenants, and you are certainly well positioned to make judgments and recommendations there.

The immutable reality, though, is that the Archives is out of room and a long-term remedy is needed.

We look forward to working with you as you seek to resolve this challenge and stand ready to assist as needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Cheever". The signature is fluid and cursive, with the first name "Dave" and last name "Cheever" clearly distinguishable.

Dave Cheever
Archivist

cc: Matthew Dunlap, Secretary of State



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF GENERAL SERVICES
BURTON M. CROSS BUILDING
4TH FLOOR, 77 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0077

JOHN ELIAS BALDACCI
GOVERNOR

RYAN LOW
COMMISSIONER

M.F. CHIP GAVIN
DIRECTOR

November 3, 2008

Mr. David Cheever, State Archivist
Maine State Archives
84 State House Station
Augusta, ME 04333-0084

Dear State Archivist Cheever,

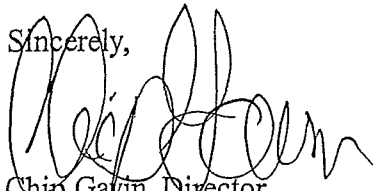
Thank you for your letter of October 9, 2008. The information is useful and appreciated. I'm wondering if you might respond to a few questions to assist me in compiling the report required by Resolve 2007 Chapter 151.

The questions at this time include:

1. Can you please describe the past actions or business practices undertaken by the Archives to make maximum use of existing space and to avoid the need for new space, for example, electronic storage, a reduction of existing holdings, an adjustment to determinations of archival status for future holdings, shorter retention cycles for non-archival records, a greater tolerance for scheduled rather than immediate retrieval of holdings for customers, and so forth?
2. Can you please describe for me any options that would avoid the need for additional space which the Archives has either not considered or has considered and rejected because it determined in its judgment that these options did not conform with the long term responsibilities of the Archives to maintain the permanent records of the State?
3. Assuming the 50 year window stipulated in your letter and assuming for the moment your own 100,000 square foot estimate is reasonable, can you please estimate the milestone dates when the additional 60,000 square feet of space would be needed? That is, all 60,000 square feet would not be needed on day one, so when for example would each additional 10,000 square feet be needed by the Archives over the 50 year period?
4. Can you please explain if or how the Archives will adjust its business practices to best meet its constitutional and statutory obligations to the greatest extent possible within existing resources in the event no additional space can be made available for that purpose, even if that means the Archives in your view cannot totally fulfill its obligations?

Thank you in advance for any information you can provide in response to the inquiries above as we gather the necessary information for the report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Gavin', written over the word 'Sincerely,'.

Chip Gavin, Director
Bureau of General Services

cc: Matthew Dunlap, Secretary of State



State of Maine
Maine State Archives
84 State House Station
Augusta, Maine 04333 0084

Matthew Dunlap
Secretary of State

David Cheever
State Archivist

Mr. M.F. Chip Gavin
Director
Bureau of General Services
77 State House Station
Augusta ME 04333-0077

November 24, 2008

Dear Director Gavin,

Thank you for your letter of November 3, 2008. We share your interest in presenting a comprehensive report/recommendation to the 124th Maine Legislature regarding Resolve 2007 Chapter 151, and welcome the opportunity to assist you.

While your charge initially arose as a concern regarding the Cultural Building, one of its core issues has since evolved to include what options could present themselves to address the existing constraints and future demands for space in the Maine State Archives.

Our October 9, 2008 letter to you was part of that evolutionary process in that it brought the issue forward in its totality.

We elected that approach because we are responsible for the preservation of and access to the State's archival holdings as well as the State's records. Because a separation and re-disposition of the agency's dual responsibilities regarding archival holdings and records is unlikely, and, furthermore, because such action would not functionally resolve the demand for proper housing and access to the State's records, we felt it prudent to place the single issue with combined responsibilities before you.

You astutely recognize that the compounding of the challenge requires additional assuring information that everything is being done to bring as much relief as possible to the demand while still meeting the inherent expectations of the general and governing publics.

Indeed, for you to report to the Legislature and account for the apparent increase in the scope of your response places greater burden on you to have the information at hand to buttress any recommendation.

Your November 3, 2008 questions, then, acknowledge the expanded reality, and we hope to satisfy your concerns.

1. Can you please describe the past actions and business practices undertaken by the Archives to make maximum use of existing space and to avoid the need for new space, for example, electronic storage, a reduction of existing holdings, and adjustment to determinations of archival status for future holdings, shorter retention cycles for non-archival records, a greater tolerance for scheduled rather than immediate retrieval of holdings for customers, and so forth?

In an effort to meet Constitutional and statutory responsibilities, the Maine State Archives and Records Center has made full use of available environmentally controlled and secure facilities.

Archives and Records Management staff and the Archives Advisory Board recently completed another evaluation of Archives holdings for their archival value, and the Records Management division and client agencies continually review retention schedules to determine if the state is being effectively and properly served.

During this most recent process, the staff located approximately 400 linear feet of archival material (municipal audits) that was determined to be redundant and eligible for de-accession. The client agency agreed and the Board subsequently approved, thus freeing that space to address the backlog of archival material awaiting accession.

While 600 feet of space may seem substantial, one of the harsh realities that became evident in the process leading to the installation of additional compact shelving on the first floor of the Archives is that a significant backlog had accumulated throughout the state of archival documents and permanent records. The backlog more than consumed the freed-up space from the de-accession of the municipal audits.

Moreover, taken in the aggregate, the annual demand for space (See below) renders incremental adjustments moot.

Likewise, tinkering with the accession schedule is moot because the backlogged material more than accounts for the available space, even after allowing for better utilization of the first floor with the new shelving, the shift of low-reference material from the Archives to the Greenlaw Building, and the municipal audits' de-accession.

In short, we are in the same dilemma that presented itself prior to the 2008 response. The Archives is out of room.

2. Can you please describe for me any options that would avoid the need for additional space which the Archives has either not considered or has considered and rejected because it determined in its judgment that these options did not conform with the long term responsibilities of the Archives to maintain the permanent records of the State?

Few viable options to the Archives' space dilemma present themselves, and those that do carry with them overwhelming challenges.

First, however, there are three options that run contrary to our mission.

We oppose dissolving the Archives and returning to whatever system the State used prior to 1965. As a practical matter, pursuing such an option would require legislative approval and, quite likely, a public vote to amend Maine's Constitution.

Even if such an option reached that level of acceptance, doubtless the Court and the public would demand and expect that records still be kept and archival material preserved and made accessible. Absent a formal archives oversight structure, the burdens for those tasks would revert to the individual agencies.

The converse to eliminating the Archives would be to expand its functions beyond sustainability. In this option, the Archives would be retained, but, by authority exercised by this office, every agency would be declared responsible for its records management and housing and for its archiving. We do not favor this option in that it would spread the responsibility much further than is already shared within the records management area, and would result in increased, unexpected and unbudgeted expenses across State government, markedly decreased performance, and problematic access for the public.

A third option that must be acknowledged is implied further down in your questions, but is akin to the effect of the initial option above.

Failing to address the long term needs of the Archives and Records Center does not absolve the State or its agencies from keeping, preserving, and making accessible the State's records and archival material. But, absent sufficient centralized housing and services, the burdens – financial, programmatic, and spatial – fall to the agencies. The present Archives and Records Center staff can advise agencies on what should be done to meet statutory responsibilities at a minimum level, but there would be no assurance of execution or of enforcement.

These first three options offer no promise and plenty of problems.

Within the realm of the more possible, one option would be to locate and utilize State-owned space for a satellite archives. As your 2008 search for such space proved, few properties exist that could meet the anticipated spatial demands, and those that might be large enough to do so would require expensive renovations to render them environmentally sound and secure.

Independently, we pursued the possibility, for instance, of using one or more of the State's armories as an archives or records option. None of those facilities proved feasible either here or with the Department of Defense, Veterans and Emergency Management.

Additionally, employing satellite facilities – State-owned or private – creates access challenges for the public and a further burden on an agency with few staff to administer and oversee the holdings.

A second option is to use commercial archives. As a practical matter, relying upon private archives to provide appropriate housing and access to the State's permanent records requires a significant and on-going monetary outlay.

Furthermore, as a policy matter, exercising such an option would substantially transfer oversight responsibility from the public agency to a removed and possibly remote commercial outlet. Beyond resolving whether that action is something that the State should do, the reality is that such action results in restricted access to the archival material and places that material at greater risk. It also raises chain-of-custody issues that can prove as troublesome to the public as they do to us.

- 3. Assuming the 50-year window stipulated in your letter and assuming for the moment your own 100,000 square foot estimate is reasonable, can you please estimate the milestone dates when the additional 60,000 square feet of space would be needed? That is, all 60,000 square feet would not be needed on day one, so when for example would each additional 10,000 square feet be needed by the Archives over the 50 year period?**

Maine's Constitution calls for the Secretary of State to be the keeper of the State's records. Over time, commencing in 1965 with the formal establishment of the agency, that responsibility has evolved to the Maine State Archives and Records Center.

Occasionally during the time between the inception and the present, the accession of archival material and State records has been selectively impinged because the demand for storage space has exceeded the supply. The Judiciary has endured the bulk of the impact of stifling the accession of valid archival material, and thus has accumulated a substantial backlog to be accessioned.

The decision to pinch the flow of material from the Courts to the Archives and to the Records Center could be considered arbitrary. The repercussions of that decision are undeniable. The Courts have resorted to using any available space almost regardless of its environmental quality and despite the obvious security risks. In that the material needing housing for records management or archival purposes is also subject to requests for access, the burden upon the judiciary has increased exponentially. That burden must be relieved, and we believe that the most responsible remedy is for the Archives to resume meeting its mission.

While the Judiciary presents a significant challenge, the production of documents and other material needing agency care has remained remarkably constant.

The Executive and Legislative branches have averaged more than 1,100 feet of archival material annually, and the Judiciary has generated each year more than 1,000 feet.

Even the advent and adoption of electronic document creation has not stemmed the flow of hard copy (paper) records requiring care. As a guide, for the purpose of this and subsequent considerations, electronic storage of archival material should be understood as an option that exists in addition to, not as a substitute for, preserving the hard copy document where permanently valuable records are concerned.

Thus, on average, the agency faces a demand for more than 2,500 feet of archival space for each year. Extrapolating from that average, each decade will see approximately 25,000 feet of space consumed by demand for additional space.

The Records Management division faces a greater annual demand for storage and retrieval service than does the Archives, but the records' disposition schedules help relieve the overall demand for space.

Yet, even here, the demand for space outstrips the availability. The recent expansion in the warehouse on lower State Street provided room, but the records backlog – even with materials already housed there being removed and destroyed on schedule – will consume the additional area within the next 16 months.

4. Can you please explain if or how the Archives will adjust its business practices to best meet its constitutional and statutory obligations to the greatest extent possible within existing resources in the event no additional space can be made available for that purpose, even if that means the Archives in your view cannot totally fulfill its obligations?

Similar to the options presented in Question 2, the concern inherent to this question is how the Archives and Records Center proposes to function should no solution be forthcoming. In one sense such an eventuality will have the effect of a time capsule. The Archives will continue to preserve and make accessible that material in its possession, but will have negligible control over the archival material that should be here but which cannot be transmitted because there is no space for it to be housed.

The financial, spatial and custodial burden to keep and make accessible that material will remain with the producing agency or department, and Archives staff will continue to provide the guidance and technical assistance when and where possible.

Because the Archives is not an enterprise agency and operates on a limited budget, no money will be available from the agency to provide alternative housing through an approved public archives or commercial entity, nor will it be possible to police client agencies for their environmental and security qualities for self-storage. The net effect is to place the State's permanent records, generated from July 2008 forward, at risk.

Similarly, the Records Center, which projects to be full by 2010, has no means by which to add or create space – suitable or otherwise – to meet the demand.

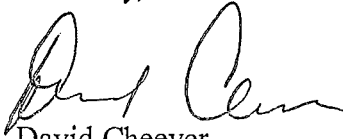
As stated above, retention schedules have been reviewed, just as archival holdings have been re-evaluated, and any adjustments and space savings believed forthcoming have already been accomplished.

The prospect of digitizing records might appear enticing, but no system is in place or projected to achieve that objective. Meanwhile, the demand for space continues unabated.

We appreciate your willingness to look into the decisions and functions of the Archives and to explore what alternatives exist. We have been and remain diligent in the search for economies and space-saving opportunities, and we recognize that any long-term solution will incur a cost. Correspondingly, as we have also concluded, failure to meet our responsibility likewise incurs a cost, one that we believe the State and her people are even less willing to bear.

We look forward to working with you in resolving this dilemma and wish you and your family a happy holiday season.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Cheever', with a stylized, flowing script.

David Cheever
Maine State Archivist