

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON STATE AND
LOCAL GOVERNMENT**

August 2017

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STATE OF MAINE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on State and Local Government

LD 1567

An Act To Amend the Archives and Records Management Law

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R PIERCE J	OTP-AM OTP-AM	S-285

This bill makes the following changes to the archives and records management laws:

1. Adds language to specify that it is the policy of the State to ensure that nonpermanent records are preserved for the time required by an approved records retention schedule;
2. Adds language to include the advice from the Archives Advisory Board in the State Archivist's consideration of what constitutes an archival record, to change the definition of state agency or agency to include all government agencies that transmit records to the Maine State Archives and to change the definition of electronic records;
3. Adds language to specify the second organizational unit within the Maine State Archives is records management and adds language to the Maine Revised Statutes, Title 5, section 94 that was stricken from Title 5, section 95 regarding powers and duties of the State Archivist;
4. Changes the laws governing the State Archivist to reflect the two organizational units of the Maine State Archives: archives services and records management. It adds language to strengthen the records management practices for all state and local government agencies by using four criteria in the development of a guiding records retention schedule: administrative use, legal requirements, fiscal and audit requirements and historical and research value;
5. Specifies when local government records may be destroyed;
6. Repeals and replaces the laws governing the Archives Advisory Board to change the expertise required of members, to provide that members are appointed by the Secretary of State, rather than the Governor, and to provide three-year terms for members; and
7. Removes the requirement that the Maine Historical Records Advisory Board report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs but retains the requirement that the board report to the joint standing committee of the Legislature having jurisdiction over state and local government matters, which is the committee of oversight for the Maine State Archives. It also removes a reference to funding a full-time position that was eliminated in Public Law 2015, chapter 480.

Committee Amendment "A" (S-285)

This amendment is the majority report of the committee. The amendment removes the University of Maine System, the Maine Community College System and the Maine Maritime Academy from the definition of "state agency" for purposes of the Archives and Records Management Law.

Committee Amendment "B" (S-286)

This amendment is the minority report of the committee. This amendment removes the University of Maine System, the Maine Community College System and the Maine Maritime Academy from the definition of "state agency" proposed in the bill. This amendment also changes the appointing authority for the Archives Advisory Board to the Governor, rather than the Secretary of State as proposed in the bill.

This amendment was not adopted.