

Notice of Agency Rule-making Adoption

AGENCY: 29-255 - Secretary of State, Maine State Archives

CHAPTER NUMBER AND TITLE:

Chapter 10, Rules for Disposition of Local Government Records

ADOPTED RULE NUMBER: **2014-221**

CONCISE SUMMARY

Item 1 - Currently the retention language in the description of Schedule E (E.11 Municipal Elections Campaign Finance Reports Filed With Municipality (Population 15,000 or Less)) is incorrect. The retention language currently cites Title 21-A, §2502; the correct cite for this Schedule should read Title 30-A, §2502 and reference Title 21-A, Chapter 13, subchapter 4.

The description should read: Title 30-A, §2502 explains the campaign report of monies received and expended for a municipal election campaign in a city or town with a population of 15,000 or more. Any municipality with a population of less than 15,000 may choose to be governed by Title 21-A, Chapter 13, subchapter 4.

Item 2 – Currently Schedule A, (A.63 Union Agreements) is vague and does not include grievance/arbitration material. This proposed rule should have two parts and read as follows:

Series A.63.a Union Records – Union Agreements (Signed). The description should include collective bargaining agreements with unions representing employees of local government agency. Retention is 10 years, Not Confidential.

Series A.63.b Union Records – Grievance and Arbitration Files. The description should include related correspondence; union grievances and negotiation documentation; signature page of people attending meeting; notes on meeting; written decision; demand for arbitration; arbitration award; exhibits; briefs; notice of hearing; settlement agreement. Retention is 50 years, Not Confidential.

Item 3 – Currently Schedule G (G.30 Hunting) has a retention period of 7 years. License and registration records are kept in MOSES now, and the need for longer retention of paper record copy is no longer needed. To keep the hunting license consistent with fishing, ATV, Boats and Snowmobile licenses, IF&W is requesting that the retention be changed to three years.

Item 4 – Currently Schedule I (I.08 Tax Exemption Records) is vague and has a retention period of 6 years, Not Confidential. Due to a recent law change some exemptions are now considered confidential. Schedule I, Series I.08 should now read as follows:

Series I.08 Tax Exemption Records

This series is defined as any record that states the name of a person or business granted an exemption; the amount of that exemption, and the reason for granting it. Tax Exemptions must be recorded in the Valuation Book in order for records described in this item to be destroyed.

I.08.a. Maine Resident Homestead Property Tax Exemption: Retention is 3 years (after exemption has expired); Not Confidential Title 36, §681-689.

I.08.b. Denial of Homestead Exemption. If the assessor (or state tax bureau) determines that a property is not entitled to an exemption, and further determines that a property improperly received a homestead exemption for any of the 10 years immediately preceding this determination, the assessor shall supplementally assess the property for which the exemption was improperly received, plus costs and interest. Retention is 10 years, Not Confidential Title 36, §686.

I.08.c. Estates of Veterans. Applications and attachments are considered confidential. Retention is 3 years (after exemption has expired), Confidential Title 36, §653.

I.08.d. Taxpayers List. Only attached proprietary and confidential information is confidential and exempt from the provisions of Title 1, Chapter 13. For purposes of this section, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available and information protected from disclosure by federal or state law or regulations. Retention is 3 years (after exemption has expired), Confidential Title 36, §706.

I.08.e. Blind Exemptions. Retention is 3 years (after exemption has expired), Not Confidential Title 36, §654.

EFFECTIVE DATE: **SEP 13 2014**
(TO BE FILLED IN BY SECRETARY OF STATE)

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APPROVED FOR PAYMENT Tammy Marks DATE: 9/2/14
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