

Chapter 10 Changes April 2013

Item 1 –

Currently Chapter 10, Rules for Disposition of Local Government Records states:

G.72. Weapons, Concealed - ~~Obsolete~~ ~~Permit to carry a concealed weapon, including the related case file. This is now done by the Dept. of Public Safety, so retention period applies to those permits and case files still on site at municipalities. Also, the retention schedule lists the permits and the related case file as not confidential.~~

Change:

G.72. Weapons, Concealed – Issuing authorities (including municipalities – 25 MRSA § 2002) permitted by law to issue concealed handgun permits must make a permanent record of such permit available for public inspection. The documentation and application for the permit are considered confidential and are not available for public inspection.

Per 25 M.R.S.A. § 2002, municipalities can be “issuing authorities,” i.e., authorities permitted by law to issue concealed handgun permits. An “issuing authority” is defined under the applicable statute as follows (see in particular paragraph A, subparagraph 1 of subsection 9):

9. Issuing authority. "Issuing authority" means the following:

A. To a legal resident of a municipality:

(1) The mayor and municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee; or

(2) The Chief of the State Police as the designee of the municipal officers under section 2002-A;

B. To a resident of an unorganized territory:

(1) The Chief of the State Police;

C. To a nonresident:

(1) The Chief of the State Police; and

D. To a professional investigator licensed under Title 32, chapter 89:

(1) The Chief of the State Police.

The records described below in the first sentence of the first paragraph of 25 M.R.S.A. § 2006, are confidential as a matter of law, and must be treated by each issuing authority as such:

§2006. Confidentiality of application

Notwithstanding Title 1, sections 401 to 410, all applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing agency during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are confidential and may not be made available for public inspection or copying. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself and must be available for public inspection.

Item 2 –

Currently Vital Records Schedule P.05 states that Title 22 § 2706 allows disclosure of date of death, name, age and location by city or town where death occurred. The rest of the death record is confidential. The Access to Vital Records law, which passed in September 2010 (Title 22 § 2706), now requires that the requestor of vital events meet requirements for requesting record (proof of direct and legitimate interest). This law is now the way by which municipalities conduct business relating to vital events; their schedules should read as such.

Change:

~~Title 22 §2706 allows disclosure of date of death, name, age and location by city or town where death occurred. The rest of the death record is confidential.~~ "Closed Records" Title 22 §2706 Requestor must meet requirements for requesting record (proof of direct and legitimate interest).

Item 3 –

Currently Election Records Schedule E.03 (Incoming Voting Lists) states that retention for this Schedule is 2 years per Title 21-A, §23(7). In 2011 the retention period was changed; the schedule should read as such.

Change:

~~2 years per Title 21-A, §23(7), Not Confidential.~~ 5 years per Title 21-A, §23(7-A), Not Confidential.

Item 4 –

It is proposed that *State Absentee Envelopes and Applications* be added as an additional series (E.06) as they are now required to be kept for 2 years following any election. These materials were filed with (E.02) Ballots, All Other Elections material which are kept for 22 months. Due to the change in retention, these materials will need to be filed separately.

Change:

E.06. State Absentee Envelopes and Applications. The clerk shall keep the absentee ballot envelopes, including the unopened envelopes containing rejected absentee ballots, the applications for absentee ballots and the list of voters who were issued absentee ballots in the clerk's office or other secure location under the control of the clerk.

Retention period: 2 years following any election per Title 21-A, §23(7-B), **Confidential (Title 21-A, §22.2)**

Item 5 –

It is proposed that *Vital Event Request Forms* be added as an additional series (P.12). Due to new requirements in 22 MRSA §2706, the request forms may need to be referred to after a request has been made to validate information presented showing identification along with direct and legitimate interest (if applicable for mail requests).

Change:

P.12. Vital Event Request Form. The clerk shall keep the form related to requests for vital events (marriage, death, births, and divorce) in the clerk's office or other secure location under the control of the clerk. This includes copies of required identification along with copies of documentation showing direct and legitimate interest (if applicable for mail requests).

Retention period: One year, Confidential (1) 22 MRSA §2706

Item 6 –

It is proposed that the Informational Note language be removed and reflected in the retention description under E.07.a. This retention schedule changed in 2005. The change in statute should be reflected in the proper section which is the retention description section; this will ensure that the proper retention description is not misread.

Change:

E.07.a. Registration and Enrollment Applications – Voters Removed from Voting List.

Registration and enrollment cards for voters who have been removed from the current voting list.

~~*INFORMATIONAL NOTE: Per Title 21-A, §23(1), this should be 2 years instead of 5 years.~~

Retention period: ~~5 years~~* 2 years per Title 21-A, §23(1), **Not Confidential**

