

MINUTES: January 8, 2016 meeting

MAINE ARCHIVES ADVISORY BOARD

PRESENT: Chairman: Sam Webber,  
Board members : Twyla Lycette, Howard Lowell, Nina Osier

Archives Director Tammy Marks, Records Management Analyst  
Felicia Kennedy  
State Archivist Dave Cheever  
Guest: Jon Clark

ABSENT: Board members: Lyman Holmes, Susan Bulay

Chairman Webber called the meeting to order at 9:58.  
The Minutes of the October 9, 2015 meeting were approved.

Jon Clark of the Office of Policy and Legal Analysis addressed the Board about files that had been transmitted to the Archives when his agency was re-located as part of the renovation of the State House. He contended, and the Board concurred, that within the boxes were documents that were non-archival in nature, including personnel files.

Twyla Lycette moved (second: Nina Osier) to negate the transfer of the files, make the related schedules Obsolete, de-accession the holdings, and return them to OPLA.

The Board unanimously approved the Motion.

Clark said that he would have the files retrieved, have the contents examined, and, if necessary and advisable, return any documents deemed to have permanent value to the Archives for re-accession.

State Archivist Dave Cheever informed the Board that Deputy Attorney General Jerry Reid, who is responsible for the Natural Resources Division, had communicated with the Archives and opined that possibilities of liability pertaining to licensed waste management employees were minimal. His statement relieves any lingering concerns relating to two Department of Environmental Protection schedules (Series 87 and 98) that had come before the Board at its October meeting.

Cheever shared with the Board the resignation letter of Lyman Holmes. Holmes, appointed to the Board in January 1989, is compelled to resign because of a directive of the Judiciary regarding acceptable assignments and engagements of active judges.

The Board then reviewed Secretary of State Matthew Dunlap's statement intended for submission to the Joint Standing Committee on Government Oversight. The Committee was meeting simultaneous to the Board's meeting and had asked the Secretary of State or State Archivist to provide an update on the progress of the special committee looking into effective records management in state government.

Twyla Lycette spoke to the Board about inconsistencies in the retention schedules of local government employee health records. She pointed to vagaries that have some communities keeping the records for 60 years, but others for only 25. She asked for Board consideration leading to uniform retention.

Howard Lowell pointed to federal requirements of 30-year retention. He moved (second: Twyla Lycette) to change the disposition of Schedule A.36.b to 30 years to be consistent with federal requirements.

The Board unanimously approved the Motion.

Lycette also proposed to add a series for Waste transfer licenses. A discussion regarding the confidentiality of Waste Transfer licenses ensued. The Board discussed the information that the licenses might contain. Twyla moved (second: Nina Osier) that the Board cite Maine State statutes and adopt Schedule G.71.b with a record retention of one year plus the life of the Transfer permit. Series G. 71 Waste Transfer will become G.71.a.

The Board unanimously approved the Motion.

The Board discussed the recent changes relating to concealed handgun permits (Schedule G.72) and the dichotomy whereby municipalities are required to make a permanent record of a permit and have it be available for public inspection, but the attendant documentation and application for the permit are deemed confidential and unavailable for public inspection. The issue became further unclear with the change in Maine law that no longer requires a resident to apply for a concealed weapon permit, but that a permit might be required for interstate travel.

Howard Lowell (second: Nina Osier) moved to table the matter for Records Management staff to review the current law and propose new language for Series G.72. for the Board to consider at the next meeting.

The Board unanimously approved the Motion.

Records Management Analyst Felicia Kennedy shared with the Board the incongruity regarding medical records of inmates at State facilities and patients at State mental institutions as confidential and archival. She asked what purpose the records served if they were ineligible for review or research. She said that the Archives houses more than 120 boxes of such records. After discussion, the Board indicated (without voting) that the matter could emerge

during 2016 in an effort to update and unify schedules, and it would be possible to accept such records as archival, “but subject to review.”

The Board agreed to meet again on April 8, August 5, and November 18.

The meeting adjourned at 11:45.