



## Archives Advisory Board

### Meeting Minutes

July 8, 2021

1:00pm – 2:30pm

Location: Zoom

**Board Members Present:** Greg Zinser, Shelly Crosby, Eric Stout, James Francis, Brenda Kielty, Paige Lilly, Adelaide Solomon-Jordan

**Board Members Absent:** Jennifer Tarr, Shirley Browne

**MSA Staff Members Present:** Kate McBrien (ex-officio), Tammy Marks, Felicia Kennedy, Tiffany Tattan-Awley; Samuel Howes

**Public Members Present:** Chris Parr

Meeting called to order at 1:17 pm by Kate McBrien. Meeting started a little late due to technical difficulties, a new Zoom link was distributed to the Board members and members of the public with interest in the Board.

### **Welcome and Land Acknowledgment**

Kate McBrien welcomed everyone to the meeting and recited the land acknowledgment which is offered by the Maine State Archives at each Archives Advisory Board meeting. Kate McBrien noted treaties that we have between Massachusetts and Maine and the Wabanaki people are some of the most amazing documents held in the Archives and cannot wait to show those to the members in person.

## **Welcome**

James Francis, Chair, welcomed everyone to the meeting, did a roll call and recognized a quorum. He then began addressing items on the agenda.

## **Approval of June 15, 2021 Meeting Minutes**

Adelaide Solomon-Jordan made a motion to accept the minutes, Shelly Crosby seconded that motion. All present were in favor.

## **Approval of Proposed Bylaws**

Kate McBrien shared her screen so all members present could view the proposed Bylaws. At the last Board meeting the Legislature was preparing to discuss Article II, Section 13. Telephone or Virtual Conference Meetings which resulted in tabling the Bylaws until they were approved or disapproved by the Legislature. This has since been approved by the Legislature ([LD 32, Chapter 290](#)) allowing the Board to now vote on the proposed Bylaws. Kate McBrien added a few provisions in the Article based on requirements from the Legislature. This article now reads:

### **Article II, Section 13. Telephone or Virtual Conference Meetings**

Members of the Board or any committee designated thereby are expected to be physically present for public proceedings except when being physically present is not practicable. When being physically present is not practicable, members may participate in a meeting of such Board or committee by means of a conference telephone, video conferencing, or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time and participation by such means shall constitute presence in person at a meeting.

Circumstances in which physical presence for one or more members is not practicable may include:

- (1) The existence of an emergency or urgent issue that requires the Board to meet by remote methods;
- (2) Illness, other physical condition or temporary absence from the jurisdiction of the Board that causes a member of the Board to face significant difficulties traveling to and attending in person at the location in the notice;
- (3) significant distance a Board member must travel to be physically present at the location in the notice;
- (4) travel that includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges;

Members of the public may attend by remote methods when members of the Board participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities. Members of the public

will be provided the same remote access and opportunity to participate as is provided to the Board members remotely participating.

A member of the Board who participates in a public proceeding by remote methods is present for purposes of a quorum and voting;

All votes taken during a Board meeting using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the Board and the public; and

The Board will make all documents and other materials considered by the Board available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the proceedings of the Board in person, as long as additional costs are not incurred by the Board.

Greg Zinser made a motion to accept the Bylaws with the added provisions. Adelaide Solomon-Jordan seconded that motion. The Clerk recorded member votes as follows: Crosby – Yes, Solomon-Jordan – Yes, Zinser – Yes, Francis – Yes, Stout – Yes, Lilly – Yes, Kielty – Abstained (missed draft discussion). 6 – Yes and 1 – Abstained. Bylaws were approved.

### **Consideration of Records Schedules**

Felicia Kennedy, Records Management, presented two new schedules from the Bureau of Insurance.

#### **Professional and Financial Regulation – Bureau of Insurance** **Licensed and Registered Business Entities**

Retention: 25 Years

Disposition: Destroy

Justification: The “licensed and registered business entity” files will need to be kept for 25 years for a few different reasons. First, these are registration and license types that sometimes build upon existing producer licenses, and producer licensing records are retained for 25 years. For example, an MGA (managing general agent) registration is an additional qualification that may be sought by a licensed agency. Similarly, a TPA (third party administrator) may also hold a producer license. We would like to keep the retention periods consistent for these entities. Other registration and license types that fall under this category involve businesses, such as service contract providers, that regularly change ownership between different LLCs. When we receive complaints, we sometimes need to be able to backtrack through the information they have provided on their applications to determine responsibility.

### Licensed Foreign Insurance Company and Surplus Lines Eligible Files

Retention: 25 Years

Disposition: Destroy

Justification: The reason a 25-year retention period is necessary for the foreign insurance company files and the surplus lines eligible files is based on the fact that these are insurance companies that are selling policies to Maine consumers that will be in effect for lengthy periods of time. Since the first claim under some types of insurance policies may be filed decades after that policy is first purchased, we need to keep records relating to these companies for a longer period of time.

James Francis asked who determined the retention period. He felt that it seemed too light (short). Shelly Crosby seconded that concern. Brenda Kielty suggested asking PFR to clarify with their legal staff how the retention period was determined. Paige Lilly asked Felicia for her recommendation. Felicia stated that she felt it was correct and passed the schedules along to the State Archivist for consideration. Paige asked what the process was for schedules involving the Board; Kate McBrien explained that process.

Another schedule discussed was Historic Elections Records. This schedule falls under the Secretary of State – Corporations, Elections and Commissions.

### Historic Elections Records

Disposition: Archives Only

Justification: These are records which were pulled from Schedule 752, Series 13, Miscellaneous Election Records and Schedule 135, Series 2, Election Reports. Both of these are destroy schedules. These were boxes which were found at the Archives and reviewed by our Archivist III. These were files pulled from the destroy boxes which the Archivist III determined were potentially archival after Tiffany and Sam (Archives staff) met with Julie Flynn, Deputy Director of CEC to discuss these discovered boxes. This “in-house” archival schedule was then created.

Samuel Howes explained these records came to the Archives in the 1970s. While he was doing some research, he found this material in a box belonging to CEC that seemed as though it should be archival as it has historical significance to it, not on a destroy schedule as it currently is. Eric Stout asked whether the intent would be to digitize the records, so they are more accessible. Sam Howes indicated that this would be added to the list of items to be digitized. Shelly Crosby added that as far as municipalities are concerned, they are required to keep election records. Her office has them from the 1940s and 1950s. Sam Howes stated official tabulation results are kept within the Secretary of State and this information would be kept as historical information for the Archives.

## **Changes to Schedule 971: Department of Corrections**

### Schedule 971

#### Series 19 County Jail Monthly Population Report Form

Retention: 15 years

Disposition: Archival

### Schedule 971

#### New Series: County Jail Monthly Juvenile Population Report Form

Retention: 10 Years

Disposition: Destroy

Felicia Kennedy provided the following explanation to the Schedule: Schedule 971, Series 19 was originally submitted in 1992 as 15 years and destroy. The Board changed the disposition to Archival. The Board minutes were located but no explanation was given for why this was done. There is a sample in the schedule of the monthly population report form. Records Management is trying to understand why the Board considered this archival-worthy. No other explanations or information is contained in the file. The current Data & CQI Manager and the Assistant Director of Classification Systems who Felicia Kennedy has been working with at Corrections were not aware of any records. They checked with the Commissioner's Office and with the DAFS Service Center to see if there was any statutory requirement for their Department to collect these statistics/forms. They told Felicia they are not required to do so but juvenile data gets reported to the federal government. It is Records Management's recommendation to make Series 19 obsolete and create a new series because we feel the intent of the information changed and when that occurs instead of amending a series, one should be made obsolete and another created. Other than one sample in the file, Records Management has never received this information. The Department of Corrections says they do not have this information and do not keep this information.

Eric Stout noted that according to other institutions (Maine State Prison, Women's Center, Long Creek Youth Development Center, etc.) and their schedules it appears that this information is listed as archival, so there must be a valid reason for keeping this. Greg Zinser commented that juveniles are not kept within county jails. County facilities, as with York County, juveniles are not housed and is considered as prohibition according to facility standards. There is a population report printed from a program called BARS.

## **State Archivist Report**

The County of Waldo has records that they would like to destroy due to water damage. They requested assistance from the Archives in 2019, but the Board was not in place and there wasn't a State Archivist in position at that time. Now that the Board is staffed and functioning this topic was presented to the Board. Eric Stout noted that there was a

list in their report listed by topic. In looking at the Law Enforcement local schedules, there are some schedules that indicate archival/permanent. It seems that the County should research the material box by box and see where the contents falls within the local schedules. Adelaide Solomon-Jordan was concerned by the statement from the County was that they didn't have the money to preserve this material. Shelly Crosby suggested having Kate go back to the County of Waldo and present the questions that were asked by Board members. Kate will report back at the next meeting.

### **Report of Standing and Special Committees**

James Francis reported that there wasn't any new information from the Standing Committee or the Special Committee.

### **Agenda Items for Future Meetings**

James Francis indicated that the next agenda item would be to discuss the General Schedules. These are schedules that are used by all state agencies. They will be dispersed to Board members shortly so that members have ample time to review them and comment before the next scheduled meeting in September.

### **Adjournment**

A motion was made by Greg Zinser to adjourn. Paige Lilly seconded the motion. All present were in favor.

Meeting adjourned at 2:41 pm