

Chapter 2: STATE RECORDS CENTER FACILITY AND SERVICES

SUMMARY: This chapter prescribes policies and procedures to govern the custody, use and withdrawal of agency records transferred to State Records Center.

1. APPLICABILITY

These rules apply to any unit of State Government, including any state board or commission, the Legislature and its committees and subcommittees but not including the judicial branch, the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

2. RESPONSIBILITY FOR ENFORCEMENT

The head of each agency shall be responsible for the application and enforcement of these rules.

3. DEFINITIONS

The following definitions are established for terms used in these rules:

- A. “Access Card” means authorization issued to agency employees after submission/approval of Application for Records Center Use Cards form to Records Management. This authorization is required for employees to retrieve agency records. Physical cards are no longer issued. Employees are required to use issued access card number when requesting boxes. Access card numbers are not transferable.
- B. “Agency” means any unit of State Government, including any state board or commission, the Legislature and its committees and subcommittees but not including the judicial branch, the University of Maine System, the Maine Community College System and the Maine Maritime Academy.
- C. “Cardholder” means any employee assigned an access card number from Records Management and given authorization to retrieve agency records. Cardholders may include Records Officers and Assistants.
- D. “Closed records” means the current business process of the originating agency has concluded. At this point records would either be destroyed or retention would begin to meet other obligations.
- E. “Disposition” means removal, (in accordance with approved records schedules) of records no longer necessary for the conduct of business by such agency, through removal

methods which may include disposal of temporary records by destruction and the transfer to the archives of records determined to have sufficient value to warrant continued preservation. It is also the form required (Disposition Notification form) to be signed by agencies before records can be destroyed at the State Records Center.

F. "Record" means all documentary material, regardless of media or characteristics, made or received and maintained by an agency in accordance with law or rule or in the transaction of its official business. This term shall not include extra copies of printed or processed material of which official or record copies have been retained, stocks of publications and processed documents intended for distribution or use, or records relating to personal matters that may have been kept in an office for convenience.

Record includes records of historic and archival value to the State, regardless of the date of their generation, including all documents determined to have such value to the State by statute and, when appropriate, by the State Archivist.

G. "Stack areas" means those areas where agency records are physically stored in the Cultural Building and the Records Center Annex in the former Bureau of Alcoholic Beverages and Lottery Operations building

H. "State Records Center" means facilities maintained by the State Archivist for the storage, security, servicing and other processing of agency records that must be preserved for varying periods of time, but need not be retained at the agency for daily business processes.

I. "Temporary Records" means semi-current records of government agencies to which they retain legal title and control access and use, but that have been transferred to the physical custody of the State Records Center and retained for evidentiary, legal, financial, or historical purposes, as dictated by the retention schedule.

J. "Transmittal" means transferring records to the State Records Center or Maine State Archives. It is also the form required (Transmittal of Records form) to be completed by agencies when they are requesting to send records to either facility.

4. STATE RECORDS CENTER FACILITY

A. Description and Overview

The State Records Center provides safe, environmentally controlled storage for agency records that must be temporarily retained. These are closed records which an agency has infrequent need for but still must be retained to fulfill fiscal, administrative or legal needs per the schedules. State Records Center services are available to all state agencies. All records sent to the State Records Center must be on an approved records retention schedule.

- Serves as an off-site storage facility for state agency records that remain under the legal custody of those agencies
- Houses only those records that are subject to records retention schedules and have not yet reached the end of their retention period

- Stores records based on agency retentions for administrative, fiscal or legal purposes, which are then destroyed (according to schedule)
- Only allows the agency of origin to access the records
- Delivers records back to the agency of origin upon request
- Assigns each box of records a unique bar-code and container number for inventory control, tracking and reference

B. Hours of Operation

The State Records Center is a closed facility. Any agency wishing to schedule a pick-up / drop-off, box review or other consultation at the State Records Center must schedule a time with staff. Except for holidays and at such other times as may be specified by the State Archivist, agency State Records Center staff are available for scheduling Monday through Friday from 8:00 a.m. to 4:00 p.m.

C. Surveillance and Maintenance

The Supervisor of the State Records Center shall be responsible for administering effective surveillance against unauthorized persons in the State Records Center facility and for oversight of building maintenance including shelving, storage areas, humidity control, temperature regulation and overall care and protection of physical records.

D. Agency Records Storage/Alternative Warehouse Facilities (*Also captured in Chapter 1*)

Agencies may maintain storage areas for the temporary storage of agency records pending their transfer to the State Records Center or other disposition authorized by law. No agency records storage area shall be established or relocated by an agency without the prior approval of the Maine State Archivist.

Each temporary storage area shall:

1. Provide security to prevent the loss of records both in storage and in reference areas. This shall at a minimum include locks on all doors and windows, plus an intruder alarm system, a fire alarm system and fire suppression system.
2. Provide storage facilities situated in a physically safe location (i.e., not located in a flood plain; not located next to a hazardous chemical storage area; etc.). These facilities should have heating/ventilation/air conditioning capable of maintaining temperatures between 60 and 70 degrees Fahrenheit, and of holding relative humidity to less than 50 percent.
3. Show evidence of a capacity to care for the records by providing evidence 1) of a mission statement; and 2) that a person who cares for the records has had basic records management training, such as a workshop approved by the Maine State Archivist.
4. To store confidential records, the institution also must show evidence that it has staff capable of maintaining confidentiality in accordance with policies of state government agencies.

5. TRANSFER OF AGENCY RECORDS TO THE STATE RECORDS CENTER

Records which are considered closed but still need to be retained for fiscal, legal, or administrative reasons may be kept at the State Records Center per an approved Records Retention Schedule. All Records in the State Records Center and all pre-archival records belong to the agencies that created them.

A. The State Records Center will accept for transfer any records offered by State agencies, subject to the following conditions:

- 1) Records must be on an approved Records Schedules before any records are transferred. Agencies must know Schedule and Series numbers, along with other distinguishing information for the records being transferred.
- 2) Only those records which have fulfilled any in-agency retention time, which have not already met their full retention time, and which have a specified State Record Center retention time according to approved schedules can be transferred.
- 3) Facilities for storing and providing reference service on the records are available.

B. Procedures for Transfer

- 1) The State Records Center will accept only transfers that meet the criteria listed below in Sections 2 and 3. We reserve the right to refuse pickup or delivery if these requirements are not met. This helps us to provide the best possible service to our customer agencies.
- 2) Agencies must make out a Transmittal of Records Form and send it to recordsmanagement.archives@maine.gov for initial review. Requests shall specify the nature and quantity of the records proposed for transfer. The transmittal form must be completed with all required information and must be signed by an authorized Records Officer or RO Assistant. Mixed year dates on transmittals are not accepted.
- 3) State Records Center staff will notify the agency once the transmittal is approved and arrange for either a pick-up or delivery date of boxes. State Records Center staff will contact the agency to schedule a delivery date and time. Staff only picks up boxes in the Augusta area.

C. Requirements for Packing Boxes

- 1) Boxes must be packed in Archives approved 801 boxes. Boxes are available for purchase from the WB Mason catalog or through WB Mason online.
- 2) Boxes are to be packed by year, then alphabetically or numerically. Box sets are to be packed representing one year for each transmittal. No three ring binders or hanging file folders will be accepted. Clips, staples, and rubber bands are not recommended, especially for records with long-term storage.
- 3) Boxes should not be filled to full capacity but allow enough space to include add-on files. Add-on files will be accepted upon consultation with staff. A new box should be made for a large add-on file with a new transmittal, cross referencing the original material.

Records Management will also add cross referencing to the original file (box). The agency will notify the State Records Center which transmittal the box should be added to (paying attention to closed last dates).

- 4) Agencies must complete a packing list and include one in each box transferred to the State Records Center. Agencies should keep a copy for reference purposes.
- 5) Agencies are to write with a black marker on the outside of each box being transferred, the assigned box number and arrangement (first and last file in the box). State Records Center staff will complete remaining information.
- 6) The State Records Center will furnish agencies with a final copy of the transmittal form. The returned copy will include 8-digit location numbers, transmittal number and final disposition dates, which serve as a future aid in requesting reference services.

6. RETRIEVAL OF RECORDS FROM THE STATE RECORDS CENTER

Agencies retain ownership of records they have transferred to the State Records Center. Only authorized access cardholders can request files. (*See Section 8 for detailed information on Access*) Agencies must direct all requests for reference services through these designated individuals.

- A. Requests for reference services should be transmitted to the State Records Center via the online "[Request for Reference Service](#)" form. Inquiries will be answered as quickly as possible; usually, within twenty-four (24) regular business hours after receipt. If/when possible the inquiries and relating materials will be sent via email; if the requested material is too large (too large to be sent through State of Maine servers) it will be sent by mail (inter-office when applicable).
- B. When requesting urgent reference service by telephone, the agency must provide the same type of information as though the request were being submitted on the "Request for Reference Service" form. No restricted information shall be given over the telephone by State Records Center personnel.
- C. When requesting information from transferred records, an agency should clearly define what information is needed and to the extent possible, indicate where this information may be found in the records. The State Records Center can only report on the facts that appear in the records and cannot interpret these facts. If an interpretation is needed, the agency requiring it should either ask to withdraw the record or should arrange to consult the record at the State Records Center.
- D. Agency records may be removed from the State Records Center facility in accordance with established procedures. No agency records shall be loaned to private persons nor to nongovernmental organizations. The means of transmitting withdrawn records is a matter of negotiation between the State Records Center and the transferring agency; this is done via the request form and access card authority. Records retained beyond approved retention periods are in non-compliance. Potential liabilities associated with keeping records beyond established retention schedules (agreed to by the agency and the Maine State Archivist) fall on the agency.

7. DESTRUCTION OF RECORDS STORED AT THE STATE RECORDS CENTER

- A. Agency records stored at the State Records Center shall only be destroyed when retention requirements have been fulfilled and a disposition notification has been signed by a Records Officer providing authority to destroy the records.
- B. Records Management will send a State Records Center Disposition Notification to the agency of record when any records have fulfilled required retention periods per approved schedules. It is the agency's responsibility to review the disposition and comply with the agreed to schedule or to submit an amendment if records are required longer due to program changes or other legal purposes not previously anticipated.
- C. State records may not be destroyed if any active or pending litigation, audit, open records request, or appeal of an open records decision, that involves the records is in question. This applies until the completion of the action and the resolution of all issues that arise from the action, or until the expiration of the retention period, whichever is later.
- D. The Maine State Archivist reserves the right to return records which have passed their expired retention date by two years. This occurs when any agency refuses to sign off on disposition notifications and makes no attempt at communicating with State Records Center staff and/or revising their retention schedules.
- E. The Maine State Archivist reserves the right to destroy records which have passed their expired retention date by two years for those agencies which become defunct; there are no longer any contact people and no processing information has been forwarded to State Records Center staff. *(For information on Methods of Destruction and Unlawful Removal or Destruction of Records see Chapter 1.)*

8. ACCESS AND RESTRICTIONS

A. Agency Records

Agency records in the State Records Center may be consulted by persons properly authorized to use the records, subject to any applicable restrictions. Agency records shall be brought to the user insofar as practicable. Anyone allowed access to the facility shall be accompanied by a member of the State Records Center staff.

B. Access to State Records Center

Agency personnel requiring access to the State Records Center for reference purposes must provide their Access Card number. Arrangements must be made in writing in advance and upon approval by State Records Center staff. Proof of identity may be requested from any person requesting access to agency records.

C. Restrictions

Agencies other than the creating or transferring agency, or its successor, shall be subject to such restrictions as may have been imposed by statute or by the particular agency whose records are in the State Records Center. Statutory restrictions on the use of records which are applicable to the agency from which the records were transferred shall be applicable to the State Records Center. Restrictions imposed by agency determination may be removed by agreement between the Maine State Archivist and the agency concerned.

D. Use of Agency Records

Restrictions lawfully imposed on the use of agency records will be observed and enforced by the Maine State Archivist. Agencies shall be responsible for informing the State Records Center of any legal restrictions in effect on the records transferred. State Records Center personnel shall advise persons who wish to inspect agency records in the State Records Center that such records can only be released by the transferring agency; and that access to or the production of particular agency records should be addressed to the agency, not to the State Records Center.

E. State Records Center Responsibility

The Supervisor of the State Records Center shall be responsible for determining whether persons initiating requests for information or documents are entitled to the information or access to the records involved. No reference request will be honored if it conflicts with the restrictions established by the transferring agency or by statute.

9. VIEWING MATERIAL BY USERS WHILE IN STATE RECORDS CENTER FACILITY

Users are responsible for agency records they are viewing while at the State Records Center until the materials are returned to a State Records Center employee. A user's responsibility for agency records while at the State Records Center are as follows:

- 1) Users shall return materials to the State Records Center employee as soon as use of them is completed.
- 2) Users shall notify a State Records Center employee before leaving the State Records Center, even for a short period, and before leaving shall replace all unbound records in their proper containers.
- 3) Users must keep unbound materials in the order in which they were delivered to them.
- 4) Users shall exercise all possible care to prevent damage to agency records furnished to them.
- 5) Users shall immediately notify a State Records Center employee should damage occur to any records.

10. VIOLATION OF RULES

Violation of any provision of these rules, except those violations for which specific penalties are provided, is a Class E crime.

STATUTORY AUTHORITY:
5 MRS §95-C, sub-1

RE-ADOPTED:
August 31, 1979

EFFECTIVE DATE (ELECTRONIC CONVERSION):
April 29, 1996

CONVERTED TO MS WORD:
July 11, 2003

AMENDED:
November 29, 2020 – filing 2020-239