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MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

June 1, 2015

Cynthia L. Montgomery, Esq.
Chief Legal Counsel
Office of the Governor
1 State House Station
Augusta, Maine 04333

Dear Ms. Montgomery:

Last month, the Government Oversight Committee received a report back from a State Archives and Attorney General working group on records management and retention. The Committee requested the report, with recommendations from the working group, as part of our efforts to address issues identified from the Office of Program Evaluation and Government Accountability's 2013 report on Healthy Maine Partnerships' FY13 Contracts and Funding. The GOC is now engaged in considering the working group's recommendations and taking action, where appropriate, to initiate or support implementation of recommendations.

The working group's report, which we understand you have reviewed, discusses systemic weaknesses that exist in the State's overall records management and retention system which requires a working partnership between State Archives and State agencies. There are a number of areas where both State Archives and Executive Branch agencies are not fulfilling the responsibilities assigned to them in existing statute and rules (5 MRSA §§91-98 and Maine State Archives Rules 29-255).

The Secretary of State and State Archives are taking first steps toward addressing the issues that are within their jurisdiction and also developing a longer term action plan for implementing the working group's recommendations. We respectfully request that the Governor's Office also initiate efforts to address those issues that are the responsibility of Executive Branch agencies and we specifically recommend the following actions as necessary initial steps:

- Ensure Department heads and senior management teams are aware of agency records management and retention responsibilities under current statute and rule, and are also aware of the guidance and resources available from State Archives.
- Direct agencies to assign Records Officers as required in Rule 29-255 Chapter 1, section 6 and submit a list of those current assignments to State Archives.

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- Direct agencies to conduct a self-assessment of the current status of their records management and retention program against the framework and responsibilities outlined in statute and rule. As part of the self-assessment, agencies should identify challenges and concerns that impede their ability to maintain a sound program, as well as particular types of records where there is a need for guidance on whether, and how long, those records should be retained. The self-assessment results should be useful in identifying areas that need attention and in planning for the resources that need to be dedicated to the records management and retention effort both within the Executive Branch and at State Archives. Consequently, the results should be formally communicated to State Archives.

We recognize that resolving the weaknesses in the State's records management and retention system will require a special and consistent effort for most all agencies, but we hope you and the Governor agree that it is an important effort and an expectation of the citizens we all serve. We appreciate your consideration of the recommended actions. We request that you provide a response by **Tuesday, June 30, 2015** as to whether the Governor's Office intends to implement them and, if so, how and when that is expected to be accomplished. OPEGA Director Beth Ashcroft is available to answer any questions you may have or to discuss these matters with you further.

Sincerely,



Senator Roger Katz
Senate Chair



Representative Chuck Kruger
House Chair

Cc: John McGough, Chief of Staff, Governor's Office
Matthew Dunlap, Secretary of State
David Cheever, State Archivist
Government Oversight Committee