



MATTHEW DUNLAP
SECRETARY OF STATE

STATE OF MAINE
OFFICE
OF THE
SECRETARY OF STATE

**INTERIM REPORT
TO THE GOVERNMENT OVERSIGHT COMMITTEE
ON IMPLEMENTATION OF THE REPORT ON RECORDS RETENTION
AND MANAGEMENT**

OFFICE OF THE SECRETARY OF STATE

January 8th, 2016

Thank you for your continued interest and support of the work of the Maine State Archives and the Archives Advisory Board, and the attendant Stakeholder Group that has met a number of times since April. In the past year, we have made significant progress in understanding the needs of the community, and how the Archives and the Archives Advisory Board can best serve them.

Attached you will find annotated minutes from both the Records Management Stakeholder Group meeting that convened on October 28th and the Archives Advisory Board meeting that convened earlier on October 9th. The Secretary of State was in attendance of the latter and convened the former. You will find the details of our discussions in those documents.

Our work, to date, has focused on the importance of the interface that the Archives Advisory Board provides to the public.

We are continuing to revise our findings that would require statutory action; specifically, the size and makeup of the Archives Advisory Board, and the frequency of its meetings. In our discussions, we have considered the Board consisting of a broad array of professional perspectives, and we have also considered the value of more public members, with the ability of the Board to convene subcommittees to advise on technical, legal, financial and other areas of policy that may emerge on an *ad hoc* basis, rather than have individuals with those specific skill sets as standing members of the Board.

Other items we have focused on include the charge of the Board, and its reach; including lending services to the several cities, towns and plantations of the state as well as the three branches of government and the attendant Executive Departments. We are contemplating, with the Archives staff and the Board, the possibility of involving the Board in rulemaking determinations that would help maintain consistency in rules that affect state archival records and records management.

We also believe that it would be of value for the Archives Advisory Board to develop a series of frameworks under which departments could develop retention schedules, which would provide expert guidance to the agency that hosts the records. This would avoid burdening the Board with a wide agenda of approvals to consider at meetings or delaying the implementation of schedules. To this end, the Board would be reviewing retention schedules rather than inventing them.

It is our hope to complete our work this session, and to identify any statutory amendments needed and the appropriate vehicles for Legislative review.

We are grateful to the Executive for the timely appointments of former State Records Management Director Nina Osier and former National Archives staffer Howard Lowell to the Board, as in the interim we have suffered a resignation of some tenure, and the lack of those appointments would leave us with no quorum. Also, the sterling services of Eric Stout from the Office of Information Technology have made it possible to keep our many ideas in proper order.

We appreciate the support of the Government Oversight Committee, and remain committed to doing our utmost to guard the public trust through thorough recordkeeping.

Records Management Stakeholder Group
Minutes and Actions
Thursday, October 28, 2015, 10:00 – noon
Legislative Conference Room

NOTE: Web links were added after the meeting to enhance the value of the topics discussed.

STAKEHOLDER GROUP MEMBERS:

- **Secretary of State/ Maine State Archives:**
 - Matt Dunlap, Secretary of State (chair of the group)
 - David Cheever, Maine State Archivist
 - Tammy Marks, Archives Director
 - Donna Grant, Deputy Secretary of State, Information Systems
 - Kristen Muszynski, Communications Director for Secretary of State
- **Attorney General's Office:**
 - Brenda Kielty, Public Access Ombudsman
- **Legislature:**
 - Grant Pennoyer, Executive Director
 - John Barden, Director, Law and Legislative Reference Library
 - Kevin Dieterich, Director, Legislative Information Technology [absent today]
- **Judicial Branch/ Courts:**
 - David Packard, Chief Information Officer for Judicial/ Courts
- **Executive Branch:**
 - Greg McNeal, Chief Technology Officer, Office of Information Technology
 - Eric Stout, IT Project Manager and OIT Records Officer (staff support to group)
- **Citizen Member:**
 - Howard Lowell (formerly with National Archives and Records Administration, as well as Maine State Archives, Delaware Archives, and Oklahoma Archives)
- **Public Observer (not a Group member):**
 - Dwight Hines, PhD (retired)

Archives Advisory Board Members:

- Howard Lowell (also a member of the Stakeholder Group, listed above)
- Elaine Stanley

Office of Policy and Legislative Analysis (OPLA) Staff:

- Henry Fouts, Legislative Analyst
- Craig Nale, Legislative Analyst
- Peggy Reinsch, Senior Analyst

Introductions (Matt Dunlap):

- **ACTION:** We are working on putting into writing what we're working on. We have talked about action items to put our discussions into motion. What is our charge as state agencies and helping them achieve accountability? What structural changes should be made?

- **ACTION:** Review the original statute defining the role and make-up of the Archives Advisory Board (AAB).
- **ACTION:** Review Matt's document on high-level draft action items for legislation (see handout).
- **ACTION:** Review the "Archives and Records Management Law," Title 5, chapter 6 original version (<http://legislature.maine.gov/statutes/5/title5ch6sec0.html>), and "suggested" revisions for the purpose of discussion (see handouts).
- See color-coded spreadsheet on progress of recommendations from the "Records Retention and Management Report" to the Government Oversight Committee (GOC) in April 2015: <http://legislature.maine.gov/uploads/originals/records-retention-and-management-report-to-goc-2015-4215.pdf>. The color-coded spreadsheet rates the progress of each of the 21 recommendations (see handout).

Summary minutes of last meeting (see handout)

- The minutes captured the discussion and action items, structured according to the 10 topics identified at the first meeting, and summarized on page 3 of the minutes and as a separate 1-page document (see attachments).

Title 5, Chapter 6 (Archives and Records Management Law – suggested changes to consider (see handout and <http://legislature.maine.gov/statutes/5/title5ch6sec0.html>, sections 91-98)

- Met with Archives Advisory Board (AAB) Oct. 9. AAB reviewed Department of Environmental Protection (DEP) proposed changes to records retention schedule – very exhaustive process. (See attached minutes from AAB meeting).
- **ACTION:** AAB can advise us about these issues.
- **ACTION (OPTION):** Reasonable to consider/ contemplate AAB doing some due diligence as a cascade of frameworks for records retention schedules that the AAB could oversee.
- Sheer volume of printed material, and changing nature of what is deemed archival.
- **ACTION (OPTION):** Rulemaking – AAB could serve as a public body and vote on proposed rules.
- **ACTION:** Need vector for local government as well. 85% of vital records are held in small towns.
- Original make-up of the AAB had representatives from:
 - Attorney General
 - Commissioner of Finance and Administration
 - State Librarian
 - State Historian
 - Registrar of Vital Statistics
 - Six other persons especially interested in Maine history

"The Archives Advisory Board was created in 1965, at the same time as the office of the State Archivist. It was originally composed of representatives of the Attorney General, the Commissioner of Finance and Administration, the State Librarian, the State Historian and the Registrar of Vital Statistics as well as six other persons especially interested in Maine history. The composition of the Archives Advisory Board changed four years later

to replace the State government members with three more citizen members. The Archives Advisory Board, whose members are appointed by the Governor, currently has four vacancies, and the terms of the remaining five members have expired though they continue to serve.” (from page 11-12 of the Records Retention and Management Report).

NOTE: As of October 2015, there are currently two vacancies, with seven members serving (five on expired terms).

- **Make-up of Board and mission of Board:**

- **ACTION:** Need advice on the “4-part value criteria: administrative use, legal, fiscal, and historical value of records.
- NOTE: From a slide in “Records Management Basic Principles for State Employees”:
<http://www.maine.gov/sos/arc/records/state/trainingstandardjuly2015.pdf>

The Four Part Criteria for Determining Retention

- **Administrative use:** What is the value of the records in carrying out the functions of your department? How long will you need to be able to retrieve them immediately?
 - **Legal requirements:** Are there any State Statutes or Federal regulations involved?
 - **Fiscal requirements:** How much time must you allow for the completion of fiscal activities such as audit or budget?
 - **Historical/Archival:** Do these records document important events, or the history and development of your department?”
- Should retain co-equal authority of AAB with State Archivist to approve retention schedules – check and balance. Broad framework that could expand to consider other parts of the disposition function.
 - Other role of the Board is to advise. AAB probably hasn’t done much of that, but could. Make-up of Board would drive how that would work.
 - **ACTION:** Need to have key input from people whose job it is to audit (program and financial audits), and those whose job is to keep us legal – I like that approach of receiving input/ review prior to approval of the records schedules.
 - **ACTION:** I would advise the AAB to look at process and procedures, because the last meeting was pretty chaotic. In Oklahoma the Constitutional Officers would sign the schedules at the end of the review.
 - **ISSUE:** Our process doesn’t have enough reviews except from historical perspective.
 - Point/ Counterpoint:
 - Point: If AAB is to review every schedule, they would have to meet couple times a month, because it would cripple our work.
 - Counterpoint: If AAB meets quarterly, there should be no more than 90 day lag.
 - **ACTION:** Process would be expedited if there were guidelines on what a schedule should look like.
 - **ACTION:** General schedules should be applied as broadly as possible.

- See state government records schedules at (general and agency-specific):
 - <http://www.maine.gov/sos/arc/records/state/generalschedules.html>
 - <http://www.maine.gov/sos/arc/records/state/agencyschedules.html>
 - See local government records schedules at:
 - <http://www.maine.gov/sos/arc/records/local/localschedules.html>
 - In Delaware, the general schedules applied to both state and local government records.
- For the past/ current process, the Records Management staff and Archivist bring to the Board what was a gray area or didn't fit into certain guidelines – so Board would look at that. At the last meeting, the Board hadn't met for a long time and we were catching up. Not familiar with each other.
 - **ISSUE:** Concerned about suggested make-up of the Board (see page 12 of handout with red mark-ups). Heavily weighted to the agencies. It's important to know what the legal and fiscal requirements are. Seems to say that the most important thing about the archival records is to protect our legal and fiscal backs.
 - **ISSUE:** Interpretation of what should be kept has changed over the years.
 - **ISSUE:** What about email – retention of that?
 - **ISSUE:** Concerned about a 9 member board with 1 member of the public. What about needs of citizens, researchers, historians? Will they really need it in 100 years, what about 40?
 - **ISSUE:** We've assumed that legal, fiscal/ audit requirements have been considered – do the agencies preparing proposed changes to records schedules know who to talk to if that specialized expertise is not available in the Archives?
 - Protecting the records preservation interests of both the citizens to the state, and the state to the citizen.
 - As an AAB member I would have sent the DEP schedule back – had a lot of issues with it.
 - **ACTION (OPTION):** I agree there need to be more public members. Chair would be a public member. Public plays crucial role. Add State Historian to bring that perspective as well. Would also have the Chief Information Officer (CIO) of the State. However, there are four separate "CIOs" – Executive Branch, Judicial Branch, Legislative Branch, and Secretary of State.
 - **ISSUE:** From Freedom of Access Act (FOAA) point of view, we are dependent on preservation of records. Access is meaningless if records are not preserved. Records schedules are a basic way to ensure preservation. How does the public interest get considered, and not be dominated by the agency interest? How in the process does that happen?
 - **ISSUE:** Very important that this Board is highly functional and somewhat lean. Approving a schedule has to happen. When a Board is getting bigger and bigger (12, 15), can those be scheduled? Do all those people belong on the Board, or is there a process to ensure the meetings are public, and a public comment period? Have a procedure for controversial or cutting-edge issues that go out for further review, to a community of interest. That could be done to not slow down the Board process. Board can't have a person with every area of interest.
 - **ISSUE:** Good to get public comment, but concerned of the public review slowing down the process.

- **ISSUE:** How are we going to deal with text messages, etc.?
 - Proposed schedule coming out of the agency – what resources are they using to get the best proposal?
 - They prepare/ review it internally with their various programs/ divisions.
 - Then review by Archives.
 - Then Board stage.
 - **ACTION (OPTION):** Don't want public member to be looking at the schedule at the last stage – should be reviewed at the initial or intermediate stage. Need some mechanism for that – a community of interest, prior to going to the Board, so it's just a final review. Prior to the Board, most of the work should be done – filtered through these other places/ reviews.
 - **ISSUE:** Importance of public members on the Board is to get the right public constituencies aware of the issues, and get their input. Like genealogists – they want to keep everything about “Uncle George.”
 - To keep this a highly functional Board, you can't have everyone on the Board.
 - **ACTION:** Make sure every time you're having a meeting, make sure it's announced, that we're discussing a certain type of records at this meeting.
 - **ACTION:** Could work on refining the process of review. Make sure your procedures include that – other reviews.
 - **Confidentiality:**
 - Issues of confidentiality are often answered in statute – that's not a public call.
 - If the agency believes a record should be confidential, and the possibility of harm being done, and the Legislature hasn't defined that, then you get into rulemaking.
 - Public interest is important, because “this is the public's place.”
 - Board currently is a group of experts – legal background, county clerk, librarian, etc.
 - Having large boards is hard to get anything done.
 - **ISSUE:** The point of having the CIO is a good one. However, there is not one CIO for the State. There is a “CIO” in Executive Branch, but also the other Branches.
 - Records in the various agencies are different, and schedules need to be reflective of that.
- **What is the AAB's role and scope? – summary thoughts**
 - **DECISION:** Comfortable with AAB meeting quarterly, and 9-12 members.
 - **DECISION:** Co-equal authority with State Archivist – are we comfortable/ agree with that?
 - **ACTION:** Review some of the mechanics of the process – that's driving this.
 - **ISSUE:** Records we had were all hard copy, when the AAB came into existence in 1965. What constituted archival status of the paper records? We're at that juncture of an evolutionary phase. Now not just talking about paper – going into a digital realm. How best to handle the digital? Decisions of Board were influenced by paper records – how long to keep in agency, then at Records Center, then some over to the Archives. Now, the records may never leave the

- agency – stay in their digital storage. If move to “archival” storage, that changes custody to State Archives.
- Secretary of State in law is designated to be responsible for the preservation of State records. Maine State Constitution: <http://www.maine.gov/legis/const/>, Article V, Part Second, Secretary:
 - **“Section 4. Records of executive and legislative departments.** The Secretary of State shall carefully keep and preserve the records of all the official acts and proceedings of the Governor, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.”
 - **ISSUE:** For the generating agencies, how do we put digital records into a system where for the portion of records that are archival the State Archives staff and public know how to find it. Agencies need to define this or that type of record, and should it be kept digitally 10 years, 25 years, longer? It won't be coming to State Archives in a box, but will be kept in the agencies' digital storage. If the practice is not there, how do we make sure the digital archive is there, because it has archival importance?
 - Generating agency is required to have schedules that define all their records.
 - **ISSUE:** Judicial Branch is going to a case management system. How do we send our structured data to the Archives? Even when it moves to “archival,” each agency should be responsible to retain its own records as archival records.
 - **ISSUE:** In this new digital world, is that what we should be thinking about? When digital record is archival, how does that get preserved – in the agency or at Archives, and be accessible?
 - **ISSUE:** Need to have authentication (proof of validity) of a record from the agency or at the Archives.
 - A lot of work will happen in the agencies – but it will revolve around the work of the AAB.
 - **ISSUE:** Some agencies aren't dealing with this as efficiently, but the public should be ensured that their interests are being considered.
 - **ACTION (OPTION):** Maybe give the Board a range of # of members – who is available and needed to be on the Board. Is 9 fine, or if there is a certain expertise or voice that needs to be heard, and kick it up to 12? I like the idea that the Chair should be a public member. All of this is for the public trust. Suggestion of the backgrounds is good – need various backgrounds. Don't want everyone the same. Rather than saying, “we really like Maine history.”
 - **ACTION:** Need to look at policies and procedures that support Records Management and the work of the Board. Better to put broad framework in law, and put details in the regulations, to be more flexible.
 - See Archives and Records Management Law at: <http://legislature.maine.gov/statutes/5/title5ch6sec0.html> (sec. 91-98)
 - See Maine State Archives Rule 29-255 chapter 1, State Agency Records Programs: <http://www.maine.gov/sos/cec/rules/29/255/255c001.doc>

- See Chapter 10: Rules for Disposition of Local Government Records: <http://www.maine.gov/sos/arc/records/local/chapter102014.doc> or <http://www.maine.gov/sos/arc/records/local/chapter102014.pdf>
 - **ISSUE:** It's not clear now what the process is. From the time the agency decides to do a records schedule, how does that work?
 - Agencies fill out a form with proposed changes to their schedules.
 - If a statute involved, reference to that is included.
 - Sample of records.
 - Submitted to Felicia Kennedy, the Records Management Analyst, and she sits with agency Records Officer to review. Also look at other agency similar schedules, or if covered by the General Schedules. Several meetings, and decide if fitting, then it goes to the State Archivist for approval. Same for amending an existing schedule. If increasing retention time, they give the reason why.
 - **ISSUE:** Is someone looking at legal, fiscal requirements? Is someone looking at Federal statutes?
 - If any question about legal, we recommend agency consult with their Assistant Attorney General that counsels that agency.
 - Would be nice to fall back on a Board for guidance if any question.
 - When an agency comes to us, they know their business. We don't really question why they want to keep a record 2 years.
 - **ISSUE:** Does the staff ever ask the AAB for advice?
 - Felicia said she tried to reach out a few times and didn't get a response by email.
 - Board prefers to discuss as a Board, versus one by one.
 - I don't want to tell an agency they have to wait 4 months to review a schedule.
- How are these meetings of the Stakeholder Group going to be run? Are we going to make motions and vote?
 - Want to achieve as much consensus as possible, but for the Board, should have a vote.
- **ACTION:** Board is only 1 piece of the structure. Don't want to hold off on the Board piece because some other part of the structure is not perfect. All the pieces should be in place to work well, but advocate going forward on the Board question.
- **Staffing at Stake Archives:**
 - **ISSUE:** Challenging to have only 2 staff – Felicia Kennedy (full-time) and Tammy Marks (half-time role as Records Management Director as well as Archive Services Director).
 - **ACTION:** State Archives is under-staffed – that's a Legislative question [decision on staffing/ funding levels].
- **ACTION (OPTION):** What is the role of the Records Management staff at Archives, and the role of the Records Officers at the Agencies? Do we have more Records Management staff at the State Archives to do what is "agency" work?

- **ACTION (OPTION):** If we were to propose a change in statute, when would that be done? We missed the deadline for this session.
 - Options are to have a Committee action, etc.
 - Secretary of State himself can submit proposed legislation at any time.
- **ACTION (OPTION):** There are other parts of the law to look at, not just this.
- **ACTION (OPTION):** Focus work on the Board make-up:
 - Assuming current members want to stay on, should we prescribe what fields members should come from? Currently the Board has 7 members:
 - County clerk
 - Municipal clerk
 - Librarian
 - Archivist
 - Probate judge
 - Historian
 - Former State Records Director (retired and now part-time librarian at University of Maine - Augusta)
- Librarians are important – either someone from state library or university. Would a former librarian be considered a member of the public?
- In original statute, the 5 State officials were “ex officio.”

NOTE FROM WIKIPEDIA:

“An **ex officio member** is a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office. The term is Latin, meaning literally "from the office", and the sense intended is "by right of office"; its use dates back to the Roman Republic. A common misconception is that the participatory rights of ex officio members are limited by their status. This is incorrect, although their rights may be indeed limited by the by-laws of a particular body. *Robert's Rules of Order*, Newly Revised (10th ed.), clarifies that the term denotes only how one becomes a member of a group, not what one's rights are. It is a method of sitting on a committee, not a class of membership. Ex officio members will frequently abstain from voting, however unless by-laws constrain their rights they are afforded the same rights as other members, e.g., debating, making formal motions and voting.”

- Someone from the legal field – to speak to the legal ramifications. Does it have to be someone in that position (like Brenda Kielty/ Attorney General’s Office), or someone with that expertise?
- Sub-committees – to help and advise the Board. Could have 9 people, with ability to bring in others when needed.
- General listing of areas of expertise:
 - Municipal or county
 - Library – reference?
 - State or town historian
 - Judicial Branch?
 - Chief Justice can deem what is archival. State Archives’ Records Center is the repository for Judicial’s longer-term storage of paper records. Also decides on “de-accessioning” of records now stored long-term in the State Records Center.

- **ISSUE:** Judicial Branch has a depth of material (paper and digital), and how is it accessible?
 - Legal:
 - **ISSUE:** What are expectations of the public for records management in legal proceedings? Question of legal value of records – like at DEP. What is statute of limitations for these sorts of records? What is the need of other people (beyond the agency’s needs) for those records?
 - **ACTION:** Need someone with experience and knowledge of those areas.
 - IT expertise in depth:
 - **ISSUE/ ACTION:** For digital records, what can we expect agencies to do, and what’s coming? Is Archives providing policy guidance so IT people know what to do about their digital records?
 - **ISSUE:** For the Judicial case management system and electronic document management system, what guidance are you getting from Archives about those records?
 - **ISSUE:** Judicial Branch just prepared a new records schedule, and Archives wasn’t consulted. Now, all Judicial records are paper, but changing to digital. Value of record doesn’t change when going from paper to digital, but how to access it does change.
 - **ISSUE/ ACTION:** If agencies are using different systems, how do we coordinate that? Easier if an enterprise system. Systems aren’t cheap. All agencies are in the “same boat” now with the need for some kind of Enterprise Content Management System (ECM). Systems need to talk with each other.
 - **ISSUE:** Archives deals with all of State Government – each Branch has different ways of doing it, and need to be able to manage the records that are archival.
 - **ISSUE:** Shared systems for electronic records (like a potential enterprise-wide Electronic Records Management (ERM) system) need to be segregated by agency, so that one agency is not able to see the records of another agency.
 - Judicial Branch’s case management system is integrated with the application system – and between the case management system and the document management system.
 - **ISSUE:** Does Judicial Branch’s new system have ability to apply records retention rules? Yes. That kind of guidance should be coming from the Archives. When the records come to the Archives, they don’t have to buy the system too. Reached out to 45 different stakeholders within the Judicial Branch to find out what they would need.
 - Fiscal/ financial expertise:
 - **ISSUE/ ACTION:** Cost of records retention needs to be analyzed.
 - “Fiscal” criteria refers to need for auditing of financial records.
 - Attorney General’s office/ legal expertise.
 - All others could be public members.
 - Determining retention is based on a 4-part criteria value analysis.
 - Administrative use by the agency

- Legal requirements
- Fiscal/ audit requirements
- Historical/ research value
- NOTE: A slide from “Records Management Basic Principles for State Employees”:
<http://www.maine.gov/sos/arc/records/state/trainingstandardjuly2015.pdf>

The Four Part Criteria for Determining Retention

- **Administrative use:** What is the value of the records in carrying out the functions of your department? How long will you need to be able to retrieve them immediately?
- **Legal requirements:** Are there any State Statutes or Federal regulations involved?
- **Fiscal requirements:** How much time must you allow for the completion of fiscal activities such as audit or budget?
- **Historical/Archival:** Do these records document important events, or the history and development of your department?”
- At the core is expertise on the 4-part criteria. Then you go to a cluster of other issues – to bring in further expertise as needed. Some may be called on in a sub-committee or stakeholder context. Could have a small AAB, then call in the other folks.
- The original AAB the State members were “ex officio,” but they had a role to play when their expertise was needed. That’s probably where IT belongs. IT is a service, unless the CIO is also creating policy. Don’t think IT should be on the Board. Here we have 4 “CIO”s.
- **ISSUE:** Who would make the policy that all document management systems need to have records management retention rules baked in? Who would make a policy that all ERM systems are “open systems,” not proprietary? In Federal government, it must be a certain way – for all agencies. Policies and decisions on such things require a combination of IT and the agency program/ business people.
- **ISSUE:** Who makes Records and Information Policy, or is it diffuse? What is the role of the AAB?
 - Records Policy would come from Archives, and agencies are responsible to carry it out.
- **ISSUE:** Where is the policy that if you are purchasing an ERM system, that Records Management retention rules are built in?
 - Each of the Branches of Government would go to their own IT group?
 - Concerned that there is no policy, and each agency is making its own policy.
 - Executive Branch could make its own policy about retention of electronic records.
- **ACTION (OPTION):** National Archives and Records Administration (NARA) has extensive guidance on Records Management and ERM – standards and bulletins published for ERM systems, digital formats, etc. Could clone that.
 - See NARA guidance on electronic records management:
 - <http://www.archives.gov/records-mgmt/initiatives/erm-overview.html>

- <http://www.archives.gov/records-mgmt/toolkit/>
 - <http://www.archives.gov/records-mgmt/era/>
 - <http://www.archives.gov/records-mgmt/initiatives/erm-guidance.html>
 - <http://www.archives.gov/records-mgmt/email-mgmt.html>
- NARA has defined digital formats for permanent electronic records. See:
 - NARA Bulletin 2014-03, Revised Format Guidance for the Transfer of Permanent Electronic Records: <http://www.archives.gov/records-mgmt/bulletins/2014/2014-04.html> and Appendix A, Tables of File Formats: <http://www.archives.gov/records-mgmt/policy/transfer-guidance-tables.html>
- NOTE: The item below was mentioned at the Archives Advisory Board meeting on Oct. 9, and is included in the minutes here as background:
 - Dr. James Henderson (former Maine State Archivist, 1987-2007) was ahead of his time with thinking about digital records, but didn't have the resources to sustain it.
 - See his testimony to a Congressional committee in 2008 about electronic records related to historical publications and records: http://nsarchive.gwu.edu/news/20080514/henderson_testimony.pdf
 - See also this 1998 foundational paper from the National Archives on the Electronic Records Work Group (Jim Henderson was one of the members): <http://www.archives.gov/publications/record/1998/01/from-the-archivist.html>
- **ISSUE:** Does Archives get more staff to do the work for the agencies? Or give agencies guidance? Guidance, with auditing?
- **ISSUE/ ACTION:** Frameworks and guidance from AAB and Archives:
 - Authority is already there in statute and rule. Archives has the authority, but not the enforcement piece? Or does it have enforcement authority as well? [there was some disagreement about this at the meeting]
 - See Archives and Records Management Law at: <http://legislature.maine.gov/statutes/5/title5ch6sec0.html> (sec. 91-98)
 - See Maine State Archives Rule 29-255 chapter 1, State Agency Records Programs: <http://www.maine.gov/sos/cec/rules/29/255/255c001.doc>
- Archives provided a brief checklist to agencies for self-assessment, as part of training.
- Records and Information Management (RIM) Federal maturity model (see handout):
 - NARA has a Records and Information Management (RIM) maturity model user guide: <https://www.archives.gov/records-mgmt/prmd/maturity-model-user-guide.pdf>. The related tool as an Excel file is attached. This tool is for the purpose of evaluating the effectiveness of agency records management programs, which for the Federal Government is required under OMB Memo 12-18: <https://www.whitehouse.gov/sites/default/files/omb/memoranda/2012/m-12-18.pdf>
 - On a scale of 0-4, the checklist would allow us to assess the maturity of agency records management programs in 3 “domains,” with 4 or 5 criteria for each domain (14 criteria total). Overall, most agencies are probably at level 0 or 1 on most of the criteria (ideal rating is 4).

- Domain 1: Management Support and Organizational Structure (4 criteria)
 - Domain 2: Policy, Standards, and Governance (5 criteria)
 - Domain 3: RIM Program Operations (5 criteria)
- **ISSUE:** Like computer security, it belongs to the agency to own – IT can support. We don't have enough people to properly do some of the key functions. IT can develop systems to meet agency needs. Technology will do what you ask it, but is costly if you keep changing your mind. If we have "one mind" then we can have a good solution that will meet the needs today and into the future.
- **Summary of thoughts on AAB members:**
 - AAB should have a public make-up with various expertise, a public chair, core functions represented on the Board, and a framework of retention schedules for agencies to review those.
- **Role/ mission of the AAB:**
 - Schedules
 - **ISSUE:** "Advising the Archivist": Is the mission confined to schedules? There are so many emerging, dynamic issues that need to be addressed – emerging technology (text messaging, Twitter). AAB is interested in open vs. closed systems, but interested in larger Records Management issues. These things fall under "advising the Archivist."
 - **ISSUE:** Technology policies
 - Electronic records – big picture questions
 - Particular kind of records – Facebook, social media
 - As Secretary of State, 95% of my communications is answering public messages. My instinct is that it is a public record, but I don't know what to do with it. Once you post it, Facebook.com owns it. This was discussed at the Council of State Archivists conference: At what point can you capture that as a record?
 - State statute can be informed by how Facebook disposes of that record.
 - Would this group be called upon and then advise Archives on those things?
 - If AAB is not doing this, who is going to look at these questions from a larger scale? AAB has to be way more than just the schedules – because the records are in all these formats – electronic, social media, etc. Process should require calling groups for input – a check and balance on the AAB. Archivist can promulgate rules with advice from AAB. Process should be that they have to get input.
 - If Board is set up to call sub-committees upon the need, and created great network of interested parties, you could utilize that for schedules and these other questions.
 - Records Management guidance to local governments.
 - **DECISION:** Should meet not less than quarterly.
- **Appointment authority for Board members:**
 - **ISSUE:** Over the years, Governors weren't appointing and so the Board went without a full set of members.
 - **ACTION (OPTION):** Could have Secretary of State make appointments, with inquiries and requests coming from the various areas. Secretary of State has

vested interest because of statutory role in ensuring preservation of government records, and also overseeing the State Archives as part of the Department of the Secretary of State.

- **DECISION:** 4-part criteria: Background/ expertise needed for those 4 areas.
 - **ACTION:** Also ask for input from the sitting AAB (7 current members). They may know of people who are interested in serving.
 - **ISSUE:** AAB is advisory, except for the requirement that it must sign off on records retention/ disposition schedules. Maybe “Advisory” is the wrong term. Maybe call it “State Records Board.”
 - **ACTION (OPTION):** Invite all the current AAB meetings to these meetings. Many have been on the Board for 20 years.
- **Summary/ Wrap-up:**
 - **ACTION:** Matt will draft up proposed statutory changes (with help from Eric).
 - **ACTION:** Will invite all AAB members to future meetings, if they want to come. We will also send them the minutes and background materials from the Records Management Stakeholder Group. [We sent them the minutes and materials from the past 3 meetings just this week, but they will receive same for future meetings.]
 - **ACTION:** Consider a bigger room:
 - Committee room or Nash School conference room (Secretary of State’s headquarters at the corner of Sewall and Capitol Street)

**Archives Advisory Board
Meeting Minutes
October 9, 2015, 10:00 – noon**
(started at 10:00, adjourned at 12:38)
State Archives Conference Room

Outline:

- p. 1: Board Members/ Other Participants
- p. 2-3: Discussion of Role of Archives Advisory Board and Records Management Issues
- p. 4-8: Review of Records Schedules from Department of Environmental Protection (DEP)
- p. 9: Digital records discussion
- p. 10: Next meeting – focus on confidential records
- p. 11: New business

Next meeting (Friday, January 8, 2016, 10:00 - noon)

NOTE: Web links were added after the meeting to enhance the value of the topics discussed.

Archives Advisory Board Members:

- Sam (Sumner) Webber, Chair
- Susan Bulay (not attending today)
- Lyman Holmes
- Twila Lycette
- Elaine Stanley
- Howard Lowell (new member)
- Nina Osier (new member)

Others Participating:

- Matt Dunlap, Secretary of State
- David Cheever, State Archivist
- Tammy Marks, Director of State Archives
- Felicia Kennedy, Records Management Analyst
- Andrea Lani, Department of Environment Protection (for review of DEP records schedule)

Recorder:

- Eric Stout, Office of Information Technology, Executive Branch

DISCUSSION OF ROLE OF THE ARCHIVES ADVISORY BOARD AND RECORDS MANAGEMENT ISSUES:

- Secretary of State is working on ways to better support the work of the Archives Advisory Board (AAB) and State Archives.
- Secretary of State and State Archives are working with Government Oversight Committee (GOC) on the role of the AAB in preparing and advising on records schedules and archival material. See “Records Retention and Management Report” sent to the GOC in April 2015 at: <http://legislature.maine.gov/uploads/originals/records-retention-and-management-report-to-goc-2015-4215.pdf>. See pages 10-13 for the “Records Retention Schedules” chapter that focuses on the role of the AAB. See pages 23-24 for summary of all 21 recommendations.
- Grappling with government records – changing nature and sheer volume and being accountable to the public.
- What is the role of AAB as a public committee, advising the Archivist, and what records management training should be to advise agencies on managing their records?
- Vacancies on the Board – want to fill, but also have the right skill sets for the digital age.
- Charge of the AAB is to review schedules from agencies – new schedules and revisions to current ones.
- Look for how many years records stay in agency, at records center, and whether archival (convey ownership to State Archives), or destroy after the stated period of time.
- In past meetings, the Board looked at archival records if they have references later on that they should not be destroyed.
- Another function of the Board – the local government records stores (repositories) for local records. See: <http://www.maine.gov/sos/arc/records/local/storage.html> and <http://www.maine.gov/sos/arc/records/local/repositories.html>.
- Board can hold public hearings if people want to change schedules for local records. Come up with changes to the schedules; then publish them.
 - See local government records schedules at: <http://www.maine.gov/sos/arc/records/local/localschedules.html>
 - See state government records schedules at (general and agency-specific):
 - <http://www.maine.gov/sos/arc/records/state/generalschedules.html>
 - <http://www.maine.gov/sos/arc/records/state/agencyschedules.html>
- Rules used to be printed, but now all on-line. Chapter 10 (Word document). On the Archives website as well. See:
 - Chapter 10: Rules for Disposition of Local Government Records: <http://www.maine.gov/sos/arc/records/local/chapter102014.doc> or <http://www.maine.gov/sos/arc/records/local/chapter102014.pdf>
 - 2014 Rule-making Adoption: <http://www.maine.gov/sos/arc/records/local/2014adoption.pdf> (showing enacted changes to the Chapter 10 Rules)
Notice of Agency Rule-making Proposal: <http://www.maine.gov/sos/arc/records/local/ruleproposal2014.pdf> (proposed Chapter 10 changes being submitted for legislation)
- Are there other things the AAB can help State Archives with?
 - Felicia and Tammy get a lot of questions about Chapter 10. Many of the descriptions are vague. For example, Surry town office was asking about valuation books. Nothing in Chapter 10 states how long valuation books are to be kept. See: <http://www.maine.gov/sos/arc/records/local/schedulei2014.doc>. Under “I.0.8, tax

exemption records” it says these are to be kept as part of the valuation book. But no series for valuation books. Difficult for Maine State Archives to know how to advise the towns on these sorts of questions.

▪ **“I.08. Tax Exemption Records**

This series is defined as any record that states the name of a person or business granted an exemption; the amount of that exemption, and the reason for granting it. Tax exemptions must be recorded in the Valuation Book in order for records described in this item to be destroyed.”

- Would be nice to communicate more often with the Maine Town and City Clerks’ Association (<http://www.mtcca.org/>) and the Maine County Municipal Clerks’ Association (<http://www.mtcca.org/about/counties/>) to update Chapter 10, maybe annually.
- Trying to get information out to the Maine Municipal Association (<https://www.memun.org/>) on Chapter 10 and the Freedom of Access Act (FOAA): <http://www.maine.gov/foaa/>. We’re making them think about this before they toss things. They have less space to keep all this information.
- Maine State Archives has to file rule-making with Legislature – quite a process involved. There can be a statutory change, but still has to go through rule-making process.
- Would be good to have Chapter 10 definitions be more specific. Terminology is different today than when first written.
- **ACTION:** Could put on AAB agenda to review Chapter 10 annually.
- AAB also reviews local government repositories. See: <http://www.maine.gov/sos/arc/records/local/repositories.html>. Portland Public Library and Maine Historical Society purchased a building with temperature and humidity controls. It’s important to ensure there is public access timely.
- **Question:** What is the process to approve schedules – from the agency saying we need to do something with our schedule, to review by the State Archives? Are there other reviews?
 - Response: Reviewed by Felicia Kennedy (Records Management Analyst) and questions sent to the agency. In today’s review of proposed schedule changes from the Department of Environmental Protection (DEP), questions went back to Andrea Lani and Pete Carney, and then they re-submit to Felicia. If other questions, Felicia will sit with Tammy Marks and Dave Cheever. If anything is scheduled as archival (permanent), then that will be brought to AAB. If Board has questions, Felicia will take back to agency. Then approve or make changes.

REVIEW OF DEP PROPOSED RECORDS SCHEDULE CHANGES (see handouts for details):

- Do we want to go over every single item – 40 schedules? In the past, Felicia would highlight any that are questionable.
- Many of DEP changes are statute driven. All questions sent to Andrea Lani have all been answered. Didn't see anything that Felicia has an issue with.
- Some records are archival – what's the logic?
 - Response: Those are related to waste treatment, oil storage, bio-medical waste.
- Because of our varied backgrounds, some items may set off a bell on an item that the others would not pick up.
- **ACTION:** Is that something that could be spelled out in the charge of the AAB, so state agencies know what the process is?
- **ACTION:** Proposed records schedule changes could be sent out earlier, so Board could make comments in advance of the meeting.
- Items 79 and 80: 60 days then destroy
 - Regardless of media – whether handwritten notes or electronic?
 - Response: Yes.
 - Are these minimum retentions or required retentions? Could keep longer? See various Board member responses below:
 - Response: Yes, could keep as long as they want.
 - Response: Yet, we're trying to clear out things no longer needed to clear space at the Records Center. If agency wants to keep it longer, they can. But it is then a risk of keeping it longer.
 - Response: It's also a risk to keep records longer than schedule calls for.
 - Response: Are you going to make me destroy it? No. Destroy it if legally allowed. If you choose not to, it's your risk.
 - Response: This is a national discussion, in Freedom of Information Act laws. If you have the information you are legally obligated to provide it.
- Department Rulemaking – 3 series:
 - Item 81A – 60 days
 - Item 81B – 10 years – substantive records
 - Item 81C – 1 year at agency, then 19 at Records Center.
 - Board member suggests the rulemaking might be an archival record.
 - Response: Official copy is at Secretary of State's office, so these are duplicate records. Agency is keeping records about the rationale behind those rules for 20 years.
- Licensing drafts:
 - Item 86 – 6 months in agency (drafts)
 - If a person receives a waste water treatment plant license, is that a permanent record that they've received a license?
 - Response: These are just drafts. Item 1897 is 2 years.
 - Isn't there interest in knowing that someone was licensed, longer than 2 years? Perhaps public interest in keeping longer.
 - Response: Several types of licenses. Retention is generally for the period of the license itself. DEP only needs it 2 years for our purposes. The department will have no record beyond the life of the license itself (2 years).

- Is there a statute of limitations to sue? I assume 6 years. It's a concern there is no record after a short period of time.
 - Response: The person would have to retain their own record.
- Legally, there may be a longer requirement? Town may need to show that they hired a licensed waste-water person. What does the Board want to do on that?
- Good to know after any license has expired, is there a need to retain the record longer than the period of the license itself?
 - I wonder if there is a Federal statute?
 - Did you cross-reference Federal requirements?
 - Response: There are requirements, like Clean Water Act.
- Item 88 – 60 days – related to 1902
 - Seems like a short time.
 - Response: These are the transporters (drivers). Providers and inspectors have longer retention. These are the recommendations of the staff that work in each program. In hazardous waste, they lean toward keeping things forever. Drafts are kept only short time, after finals are produced.
- For all drafts of licensing, we would have the same questions.
- Item 1905 – archival record
- Item 1907 – archival
- Item 1897 – 2 years in agencies, then next one goes 10 years.
 - Is 2 years too short? Why is the other 10 years?
 - Response: Different programs, federal requirements, and different personalities of people in those programs led to what is here.
- Is there an inconsistency of retention for licensing?
 - **ACTION:** Maybe a subject for a general schedule on “licensing” records.
 - Response: Tried to set some consistency across DEP licensing programs. A lot of factors go into permits. Some have longer shelf-life than others. Some are for the individual operator, and others are for the plant. These were times for what DEP needs to do our job. If someone else needs it, it's not our (DEP's) problem.
- Is there another need for the records by others?
- **ACTION:** Develop a common schedule?
- **ACTION:** Role for AAB to come up with criteria for what should be kept, without every agency going through this level of work. Doesn't serve purpose of protection to the public as just mentioned.
 - Example: Years ago, the Legislature developed 3 criteria for regulating water skis, which was easier than specific rules.
- **ACTION:** AAB could write a handbook, with broad criteria for what should be kept that agencies can go by. Conceptually, many agencies do professional licensing. Look at common needs, rather than agency-by-agency. Have broad categories. It may be that some are kept longer than needed, but not an egregious amount of time. Would provide guidance to local government for how long to keep.
- Item 1910:
 - Where are the records when a license is revoked? If a person acts fraudulently and license is revoked, it seems there is no record of that.
 - Response: DEP has a separate process for enforcement.

- Seems that we keep the nursing records for a long time, and State personnel records we keep 60 years.
- **ACTION:** As a comparison to DEP, look at retention of licensing records at the Department of Professional and Financial Regulation (PFR). See: PFR's published records schedules at: <http://www.maine.gov/sos/arc/records/state/pfrapr15.pdf>.
 - PFR issues most professional licenses.
 - Often in statute, there are requirements to keep certain records for a specific time. Why were taxidermists required to keep records for 75 years? Inland Fisheries and Wildlife (IF&W) agreed to go down to 50 years (in statute).
 - Have to be careful not to go too far in the other direction and keep things too long. Need good justification why we're doing this, how long to keep.
- **ACTION:** Good idea to check other professional licenses. Would want to talk to Attorney General's (AG) Office, and compare with other departments. Can do more research – look at PFR, talk with AG.
 - Response: DEP keeps 2 years for the period of license. If any enforcement, there would be records. For example, the actions they did for asbestos are in the database.
- Concern: Inconsistency in “triggering” event – sometimes when the license expires.
 - Response (DEP): Trigger event is when facility shuts down. In case of contamination, records are kept forever. For drafts, don't need long-term. Depends on what programs need for their needs.
- Getting AG's office to weigh in? I assume AG weighed in?
 - Response (DEP): We didn't consult with AG, but Pete Carney (as DEP's Policy Director) was our own internal counsel.
- **ACTION:** AAB could have a checklist that says there should be a legal review of schedules before coming to the Board.
- **Drafts versus Final Records:** In review of the DEP schedule, we are distinguishing between drafts and final on licensing:
 - We're OK with drafts.
 - Those that are archival we're happy with. Discussion of those that are 2 years to 50 years, not archival.
 - For archival, does Board need to vote on that? Yes.
 - Suggest that any of those that we disagree with, we pass those back to the agency for discussion, to not hold up the rest of the schedule.
- Items 95, 97, 106: 1929, 1907, 19
- **VOTE (unanimous): Approval of all those marked as archival (unanimous).**
 - Is the process that we approve item-by-item?
 - Response: We can approve the entire schedule, with some exceptions that need to go back to the agency with questions/ changes.
 - No issue with the drafts, and with archival.
- **VOTE (unanimous): Series 79, 81A, 81B, 81C, 86, 99, 88, 90, 91, 94, 96**
 - Item 91 – all others are 60 days, this one is 5 years
 - Response: Drafts and licensing were both 5 years. This was the comfort level of DEP staff, to refer to drafts. We are requiring them to store drafts 5 years.
 - We can go back to change any schedule.
- **Licensing Records:**

- Plant operator only 2 years?
- Questions on 87 and 98
- **ACTION:** Want consultation with Attorney General's Office
 - Response (DEP): Could call back to DEP staff to get more information.
- Item 1899:
 - How long is permitting length?
 - Response (DEP): Time starts when permit is issued.
 - Board comment: Less comfortable when the trigger is when the license is issued/ created, versus a terminating event.
 - Towns have process for storm water
 - Response (DEP): Facilities have to get a permit to handle storm water.
 - So we don't know how long the permit is for, whether the 10 years covers the licensing time period?
- On 87 and 98, don't know if 6 years is too long or too short – if there is a public interest in retaining whether the person is licensed or revoked.
 - Example: I know one person who had their license pulled, but still markets self as licensed. I think there is an interest to be able to come to the State to see if the person is still licensed or not – for a period of time. I want to be able to go to the State to see if the person is still licensed, or revoked.
 - Example: Driver's license information is all governed by statute. Public can access what's on-line back 10 years. Operating under the influence (OUI) over 10 years ago wouldn't come up in that public record, but would for law enforcement. Professional licenses are handled differently in law. Challenge depending on the profession. It's up to the governing entity to govern the issuance of licenses. Liability is on the individual, not the State.
- Have we looked at questions like the statute of limitations for certain types of records, like asbestos removal? What is the volume of records for this instance, like licensing of asbestos removal? I think the public would expect us to be able to answer those questions.
- Is this a Legislative question?
 - Response: Want to define this in the retention schedules. Legislature tends to be more reactive.
- **ACTION:** How can we find out what other agencies do for retention of records on licensing? For a particular type of licensing, there may be a compelling reason to keep longer. Looking at a "prescriptive" retention.
- **Responses to earlier questions (Andrea, after consulting with others at DEP):**
 - Waste water treatment plant licenses are 2 years licenses, inactive. So records would be kept 4 years (2 years after license expires).
 - Item 87: 10 years = 5+5
 - Item 98 (1910): Renewed annually – lead and asbestos (5 years).
 - Any other questions on schedule? Appropriate to approve remaining schedule?
 - Item 21B:
 - If evidence of violation, why only 5 years?
 - Response: 5 years is what they need for enforcement proceeding. Then enforcement records are scheduled separately.
 - If it's air pollution and corrected, it's corrected. Soil is longer.

- **VOTE (unanimous): Approve remainder of schedule with 87 and 98 pending AG review.**
 - **ACTION: If the AG has issues, then bring back to the Board for review and approval.**
- Licensing:
 - I have concerns about 2 years, but would like to see what AG would say about statute of limitations.
 - Contemplating a general framework for licensing records.

Obsolete schedules submitted by DEP:

- This list of obsolete schedules is because of being replaced by the revised schedule.
 - Item 13:
 - Withdrawn – eliminate from consideration
 - We have 25 boxes at State Archives (scheduled as archival)
- **VOTE (unanimous):** Accept everything in the “obsolete schedules” list except 13:
 - Item 13: If it remains archival, we’re happy.

End of review of DEP records schedules

DIGITAL RECORDS DISCUSSION:

- What should the schedules be around digital records, emails, PowerPoint attachments, etc.?
 - Technical issues are daunting, especially for archiving digital records. Has to be realistic discussion with the public that “permanent” is not “eternal.” Our ability to retain electronic records is informed by the technology that supports it.
- We used to have computer tapes.
- Vulnerability of digital records:
 - Hackers hacked into Hallowell. There are drawbacks to having everything digital, because of hackers.
 - In a recent “ransom attack,” hackers said you had to pay or they would delete all your files.
 - Many towns have a backup system for their digital files.
- For some records, there could be a paper copy of what was on the websites. What are other states doing for capturing web records?
- Do we just purchase more storage space?
- How do we manage what electronic records are stored, and findable?
- You are liable if it exists. It’s discoverable.
- For municipal government, we started trying to make a paper copy of electronic records, but it became too much.
- One option we’re doing at State Archives is to take permanent electronic records and make them into microfilm, as well as print – a multi-media capacity. This is just a small slice, to concentrate on the most valuable.
- To be useful, you have to be able to manipulate the information digitally.
- Discussion at Council of State Archivists (CoSA), <http://www.statearchivists.org/> conference recently:
 - Academic/ universities can afford digital archives. They encourage public sector to get going, start doing it.
 - Everybody is in same boat – private and public.
- Can’t use it as an excuse that there’s not a perfect solution.
- Dr. James Henderson (former Maine State Archivist, 1987-2007) was ahead of his time with thinking about digital records, but didn’t have the resources to sustain it.
 - See his testimony to a Congressional committee in 2008 about electronic records related to historical publications and records:
http://nsarchive.gwu.edu/news/20080514/henderson_testimony.pdf.
 - See also this 1998 foundational paper from the National Archives on the Electronic Records Work Group (Jim Henderson was one of the members):
<http://www.archives.gov/publications/record/1998/01/from-the-archivist.html>
- Records Officers in agencies have other full-time jobs. We’re expecting these people to take care of this tremendous responsibility.
 - **ACTION:** Need a professional position for Records Managers as a full-time job.

NEXT MEETING (January 8, 10:00 - noon):

- **How often to meet?**
 - AAB used to meet twice a year. Before Sam it was quarterly. Sam came on Board in 1989 – met as needed, for an accumulation of schedules and special meetings.
 - **ACTION:** Encourage a regular schedule. Plenty for us to do. Tammy and Felicia would like help. Propose quarterly meeting (January 8).
- **Next topic (January 8): Confidential records:**
 - Felicia noted a lot of confidential or health records in archival storage – no one in the public has access to them. Certain agency people can get access.
 - Questioning why we have so many archival confidential records.
 - Is there a statute?
 - Response: Our statute is after 50 years, record is supposed to be made public. Have boxes of medical records, institutional files, corrections. Would like to have it reviewed, what we're keeping on shelves, and for what purpose.
 - Are they accessible?
 - AG's advice at the time is that if the Archives rule came before the confidentiality statute was passed, then the latter rules.
 - **ACTION:** I would go back and ask AG to revisit that.
 - **ACTION:** Felicia will bring up samples for the Board to review on Jan. 8.
 - What benefit is there to the public?
 - Census is not available for 90 years, then open.
 - Researchers can have access at National Archives and Records Administration (NARA) to personally identifiable information (PII) records if researching for statistical information.
 - Are some people still alive whose records are confidential? Or their descendants?
 - For hospital records, the statute of limitations is typically 7 years. But these records are archival? Why are we keeping those records longer?
 - What is the value? What is the value and risk?
 - Year ago, a history professor came in and wanted to keep them forever.
 - Maybe for statistical purposes.
 - Include adoption records?
 - Response: Adoption records are to be kept 100 years. We don't have those here. They're at the probate court.
 - They are public after 1953 – not confidential
 - How does that relate to a birth record in the local government office?
 - That's totally different. Birth records are totally different thing. I think there's a statute that out-of-wedlock birth certificates are not public.

NEW BUSINESS:

- **ACTION:** David Cheever will offer to prepare agenda for January.
- **ACTION:** We will have the Records Management Stakeholder Group meetings before then, and can share with you.
- **ACTION:** If you know people who want to join AAB, apply through Governor's Office. Procedures are listed here:
<http://www.maine.gov/governor/lepage/administration/appointments/process.shtml>
("Personal Boards")
- **ACTION:** Government Oversight Committee (GOC) is meeting monthly, and a regular topic is follow-up of the recommendations in this report: "Records Retention and Management Report" sent to the GOC in April 2015 at:
<http://legislature.maine.gov/uploads/originals/records-retention-and-management-report-to-goc-2015-4215.pdf>. See pages 23-24 for summary of all 21 recommendations. See pages 10-13 for the "Records Retention Schedules" chapter that focuses on the role of the AAB.
- **ACTION:** Share Matt Dunlap's interim reports to the GOC, especially for what they are saying about the AAB and records management generally.
- **ACTION:** Board members should read the report (link above).
- It came out that most agencies don't have anyone for records management. More emphasis on agencies having records officers.
- Reporter called one of the Board members, and knew that many of the Board members' terms have long since expired. We want to support public information and access.
- **ACTION:** Will our minutes be posted on the website? See site at:
<http://www.maine.gov/sos/arc/about/advisory.html>.
- Does the Board also have a role of "advocacy" for the Archives? Can we advise the Legislature?
 - **ACTION:** That's another agenda item for January.
 - **ACTION:** Members of Legislature are looking at this -- what an opportunity! Take advantage of it.
- **ACTION:** Should we look at the State Employees Union contract, to carve out professional records officers? Rather than work with union, work with Human Resources.
- Maybe invest in a different way.
- Vacancy on Cultural Affairs Council. Former member didn't want to do it anymore. It covers Historic preservation, Archives, Museum. Was there a pool of money they advised on? Council will work on the bicentennial planning. Looking for a bond issue, maybe look at new housing where the 3 agencies (Archives, Library, Museum) could be housed. Advisory Board could go advocate.
 - **VOTE (unanimous):** Twila Lycette voted to be on the Cultural Affairs Council.
 - Hasn't met in a while, and hard to get a quorum. Thinking of alternate ways of meeting. Public meetings? Yes. Next meeting is Monday, Nov. 2, 2:00 – 3:00.
- Important role of the AAB – make-up is important. Statute says should be people interested in history. But we've had a variety of backgrounds. That is why it is a worthwhile and strong board. Government Oversight Committee should be aware.
 - **ACTION:** One of the charges of the Records Management Stakeholder Committee is to look at the makeup and role of the AAB.
- **ACTION:** Fill out travel reimbursement forms.

Meeting adjourned at 12:38 pm (over 2½ hours)