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Archives Advisory Board Meeting Minutes- March 13, 2008

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ARCHIVES ADVISORY BOARD
Minutes – March 13, 2008
Maine State Archives Search Room

Board members present: Twila Lycette, Sumner Webber, Elaine Stanley, Lyman Holmes
Maine State Archives staff members present in official capacity: David Cheever, Sylvia Sherman, Barry Marshall, Nina Osier

Maine State Archives staff member present as an observer: Jeff Brown

Others present: Connie Devenger, Assistant Records Officer, Bureau of Marine Resources, Dept. of Marine Resources; Linda Mercer, Director of Marine Resources, Dept. of Marine Resources

The meeting began at 10:08 a.m., when Nina Osier informed those present that former Chair Chris Beam had resigned from the Board and that Assistant Chair Susan Bulay could not be present due to a schedule conflict. A motion to elect Sumner Webber as chair pro tem was made by Elaine Stanley, seconded by Twila Lycette, and carried when voted upon.

Twila Lycette moved, with second by Elaine Stanley, to accept as presented the minutes of the Board's meeting held on January 18, 2007. This motion was approved.

Connie Devenger and Linda Mercer described the concerns of the Dept. of Marine Resources about confidentiality of fisheries landings records scheduled for transfer to Archives. Although the Archives and Records Management Law's 50-year rule removing confidentiality restrictions is in this case not an issue, since the statute making landings records confidential was passed at a later date and therefore takes precedence, Marine Resources still fears accidental access to the files once they are in the State Archivist's custody. The two DMR representatives asked that Schedule 1619, Series 22, 23, 24, 25 and 26 be amended to change disposition from Archives to destroy, so that DMR would no longer be obligated to transfer the paper source documents to Archives. They said that the information in these series was now being entered into a database, and that this database would be maintained permanently. They expressed confidence that software and hardware changes would never interfere with access, because migration would always be funded and accomplished as needed. The confidentiality concern was described as protection of proprietary business information, specifically the location and production of fishing grounds used by individual fishermen. Twila Lycette made and Lyman Holmes seconded a motion that Marine Resources be required to create a report format for printing out all nonconfidential information in the landings database and provide this report to the Maine State Archives annually, in exchange for approval of the requested amendments to Schedule 1619. The motion was approved.

The Marine Resources representatives then asked that they be allowed to take three boxes of records already transferred to Archives under Schedule 731, Series 2 back to Boothbay Harbor for review by other staff members working there. They said this was necessary because there was landings information in the boxes that had not been entered into the database, and because there were documents in the boxes that did not belong to Series 2. Twila Lycette made a motion to allow this as long as Marine Resources agreed to return the boxes within 30 days, with all

contents intact, flagging any extraneous documents they identify instead of removing those documents. Lyman Holmes seconded the motion, which was then passed. After Ms. Devenger and Ms. Mercer left with the boxes, Elaine Stanley suggested that the State Archivist write to the Commissioner of Marine Resources notifying him of the agreement.

Sylvia Sherman and Barry Marshall then presented for the Board's action the other retention schedules listed on the meeting's agenda. The following series were tabled:

- S-1672, Series 50 and 51. Although Minutes of the Governmental Ethics Commission are covered by State of Maine General Records Schedules, as are all minutes of policy-making boards and commissions, there is no agreement in place for regular transfer of these particular minutes to Archives; nor does the Commission have an individual agency schedule describing what information its minutes usually contain. Board members expressed concern about proposed destruction of findings of facts by the Ethics Commission, and about what happens to unfounded vs. founded complaints.
- S-1674, Series 20. Board members wanted to know if these are unique files, or if information about asbestos in specific buildings can be found in other government records. They also wanted more information about the source of funds used in asbestos abatement projects.

Twila Lycette made a motion that all series not tabled be approved as presented. Lyman Holmes seconded, and the motion was passed.

Lyman Holmes moved that the Muskie Archives be approved as an alternative repository for local government records. Twila Lycette seconded, and the motion was passed.

Nina Osier briefly went over an updated draft of Chapter 10: Rules for Disposition of Local Government Records, which included changes proposed for fall 2008 rulemaking. Twila Lycette provided the Board with hard copies of several e-mails in which her fellow municipal clerks commented on these Rules. She recommended that the Board consider whether or not both budget summaries and ledgers should continue to be retained permanently, and Lyman Holmes agreed to talk to Vital Records about how marriage intentions should be treated for both practical filing and records retention purposes. Lyman Holmes requested that Item P.11 be identified as obsolete, since there is no longer a marriage waiting period to be waived.

Twila Lycette moved to accept the Code of Ethics presented to the Board by State Archivist David Cheever. Lyman Holmes seconded, and the motion was approved.

The State Archivist told the Board that the Governor's Office would like to know which members wish to be reappointed, and which members, if any, wish to retire. The Governor's Office would also welcome names of individuals who might be interested in appointment to the Board's vacant seats.

State Archivist Cheever briefed the Board on the March 10, 2008 meeting of the Cultural Affairs Council, which he and Chairman Webber attended. He also provided information about

interactions with General Services Director Chip Gavin concerning the out-of-room storage situation at the Maine State Archives, and said that he will soon be forced to notify the rest of state government that permanent records cannot be accepted for storage because he has nowhere left to put them. Space that Director Gavin offered did not meet minimal archival storage standards, so another solution must be found.

Other topics on which the State Archivist informed the Board were status of NHPRC grants (the Archives did not get one this year), the \$190 million shortfall in state revenues and its anticipated impact on the agency, the Odiorne bequest, and the Archives on-line store. He noted that the Odiorne bequest's terms require some connection of the proposed project to the Moosehead Lake area, and said that he has approved a grant request from the local historical society there. The Archives eStore is scheduled for launch on Monday, March 17.

Twila Lycette moved that Sumner Webber be appointed chair to fill the vacancy left by Chris Beam's retirement. Lyman Holmes seconded, and the motion was carried.

The meeting adjourned at 1:21 p.m.

Respectfully submitted,

Nina M. Osier, Director
Division of Records Management Services
Maine State Archives