



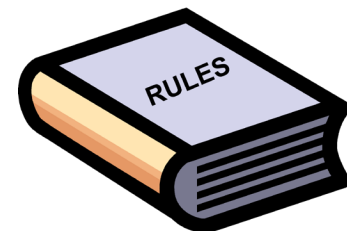
# Municipal Law for Clerks

Chapter 2

Records & Document Management



# Resources



- Municipal Clerk's Manual, revised in 2013
- Maine State Archives
- Maine Revised Statutes (MRSA)
- Code of Maine Rules (CMR)
- Local Government Records Retention Schedule
- MTCCA Records Management Class
- Clerk mentors



# Preservation of Records

- Municipalities are required to maintain, preserve and provide access to their records. 5 MRSA Sec. 95-B
- General obligation to protect and preserve records from deterioration, mutilation, loss or destruction.
- Records in the possession of the municipality show the town's history.



# State Archivist

- State law requires the clerk to maintain certain records, such as birth, death and marriage records, as well as records of appointments, oaths and elections.
- Management of municipal records is governed by statute and rules adopted by the State Archivist, with advice from the Archives Advisory Board.



# Local Government Records Retention Schedule

- Download most recent version at <http://www.maine.gov/sos/arc/records/local/localschedules.html>
- Purpose of these schedules is to:
  - Establish retention requirements for temporary records
  - Ensure records with enduring historical and other value are identified and retained permanently
  - Facilitate the systematic disposal of unneeded records.



# Local Government Records Retention Schedule



## Types of records:

Archival/Permanent (retain indefinitely)

Closed (no longer have value, can be destroyed)

Confidential (not open to the public)

Current (day-to-day records)

Non-Record (publications, duplicates, personal)

Temporary (can be destroyed after they pass their retention period)

Vital (mission critical)



# Local Government Records Retention Schedule

- Records Subject to Audit or Litigation
  - Under no circumstances shall these rules constitute authorization for a local government agency to destroy records when it is known that they possibly could be subject to audit or litigation.



# Local Government Records Retention Schedule

## APPENDIX G – SAMPLE DISPOSITION FORM

Town of \_\_\_\_\_

**RECORDS DISPOSITION FORM**

Date: _____	Department: _____
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- Media Type:  Paper  Microfilm/fiche  Digital File  Other \_\_\_\_\_
- Destroyed/purged by agency Method: \_\_\_\_\_
- Destroyed by outside vendor (attach certificate of destruction)

Schedule No.	Series No.	Records Title and Description	Retention	Date Span of Records	Volume (Cu. Ft./ MB)	Box # / Folders, Drives

### AUTHORIZATION

I hereby certify that the records above have fulfilled their administrative, fiscal, or legal function in accordance with the Local Government Record Retention Schedules; no litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the records above have been initiated or are reasonably anticipated.

\_\_\_\_\_  
 Authorizing Signature (Records Officer, Town Manager, Etc.)

\_\_\_\_\_  
 Date

Official Date of Destruction: \_\_\_\_\_





# Local Government Records Retention Schedule



- Approved Media for Records Storage
  - Permanent records must be maintained on paper or microfilm, which are the only recognized archival formats allowed.
  - Permanent records may be maintained for convenience on electronic media, while keeping the archival formats. For legal purposes, they must be maintained in compliance with Title 16: Court Procedure-Evidence to be admissible in court.



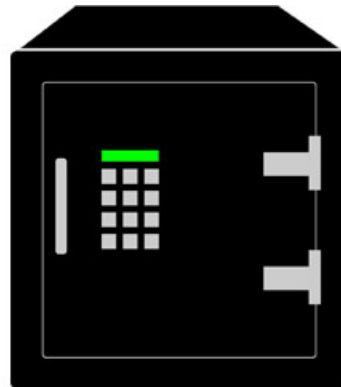
# Local Government Records Retention Schedule

- Certain records can be retained electronically as long as the following conditions are satisfied:
  - Information remains accessible (backed up and migrated)
  - Retained in the original format or one that accurately reflects the information
  - Enables the identity of the source or origin
  - Complies with Title 16 Section 456-A



# Local Government Records Retention Schedule

- Vault for Permanent Records
  - 5 MRSA Sec. 95-B
  - “...Each local government shall provide a fireproof safe or vault for the preservation of all records that must be retained permanently...”



# Local Government Records Retention Schedule

- Administrative Schedule
  - Agendas, calendars, bids, correspondence, grants, etc.
- Election Records
  - Ballots, Incoming Voter Lists, Voter Registration cards, etc.
- Licenses & Permits
  - Closing Out Sales, Dog Licenses, Hunting & Fishing Licenses, Special Amusement Permits, etc.
- Tax Records
  - Excise Taxes, Tax Liens, etc.
- Vehicle Registrations
- Vital Records



# Local Government Records Retention Schedule

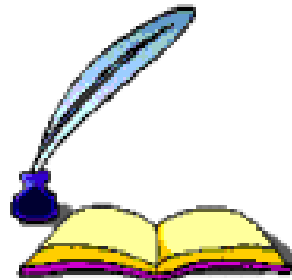
## Drafts

- Working documents and drafts are public records but they might only need to be retained for a brief period of time if they do not have significant administrative, legal, fiscal or historical value.



# Attestation of Records

- The act of certifying the authenticity of a document
- Can either type on the photocopy of the document, or attach a statement to the document



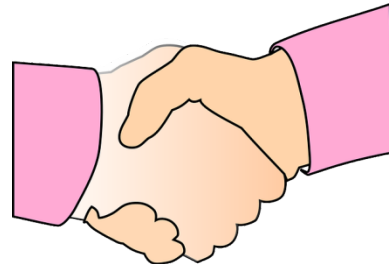
# Correction of Records

- When omissions or errors exist in municipal records, they must be corrected by the person whose duty it was to make them correctly, whether or not he or she remains in office.



# Turning Records Over to Successor

- A local government official is required to deliver the records to his or her successor in office at the end of the term. 5 MRSA Sec. 95-B(4)
- If you are having problems obtaining records from a former clerk:
  - Ask local law enforcement to assist
  - Refer to State Archives, with assistance from the Attorney General





# Fee Schedule



- Clerk is required to charge for services according to a fee schedule found in 30A MRSA Sec. 2652
  - Certificate of Partnership
  - Certificate of withdrawal of a Partner
  - Certificate of person engaging in trade using a name other than their own (DBA)
  - Recording of DD214, Military Discharge Papers



# More on DD214s



- \$4 fee to record. Once recorded, the original is retained permanently by the municipality.
- Record is confidential for a period of 75 years following its filing.
- Copies can be released, free of charge, with proper ID to:
  - the veteran
  - spouse or next of kin to the veteran
  - Power of Attorney of the veteran
  - administrator, executor, guardian, or legal representative of the veteran
  - an attorney for any of the above
  - a civilian employee or military member of the department when in the conduct of official duties
  - the administrator of the VA home, when in the conduct of official duties



# Test your knowledge

- Local Government Records Retention Schedule
- The definition of the different types of records
- The criteria for storing records electronically
- Attestation of records
- Other types of filings (DBA, DD214)



# Thank You



- You have reached the end of Module 2 of Municipal Law for Clerks.
- For specific questions on any topic in this module, please contact the legal department at Maine Municipal Association, your town's attorney, or a clerk mentor.
- Please print this final page as proof of completion of this module.
- You may submit this final page to MMA along with the other ten modules' completion pages to obtain a certificate to be used for certification points.

