

Maine State Archives

Local Government Record Retention Schedules

Prepared by the Records Management Division
In Accordance with Maine Title 5, Chapter 6, §95-B
Approved by the Archives Advisory Board
May, 2024 Edition (Version 1)

Maine Local Government Record Retention Schedules

These retention schedules can be used by all local governments and their agencies and offices. "**Local Government**" means a municipality, a quasi-municipal organization (such as a school administrative district, water or sewer district, etc.), an office of county government (such Register of Deeds, County Sheriff, etc.), and offices of District Attorney.

The schedules list those records which any local agency may create or receive in the transaction of official business. For a local agency to have an effective records management program, these retention schedules must be used on a regular basis.

Retention schedules indicate the minimum length of time records must be retained before they can be destroyed or whether records must be retained for archival preservation. The Maine State Archives issued these retention schedules pursuant to [Maine Title 5, Chapter 6, §95-B](#). This approval provides the legal basis for local agencies to incorporate these schedules as part of an active records management program.

The purpose of these schedules is to:

- establish retention requirements for temporary records and ensure records are retained as long as needed for administrative, legal and fiscal purposes;
- ensure records with enduring historical and other research value are identified and retained permanently; and
- facilitate the systematic disposal of unneeded records.

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MANAGEMENT OF RECORDS

For the purposes of this document, the terms “shall” or “must” indicate a requirement and the terms “should” or “may” indicate a recommendation or best practice.

RECORDS RETAINED

The schedules apply to records regardless of the format or media in which they exist, including electronic records. According to [MRS Title 5, §92-A](#), "Record" means all documentary material, regardless of media or characteristics and regardless of when it was created, made or received or maintained by an agency in accordance with law or rule or in the transaction of its official business. This 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. "Record" does 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.

Records which are to be retained shall be preserved by the creating agency or deposited with an approved alternative institution (see Appendix A). The State Archivist shall accept all permanent records of any deorganized Maine municipality.

RECORDS AUTHORIZED FOR DESTRUCTION

Once records have fulfilled their administrative, fiscal, or legal function they should be disposed of as soon as possible in accordance with these Records Retention Schedules. Records can be destroyed by shredding, pulping, burning, or other acceptable means. If files are to be removed from the original record and kept under another series, it shall be specifically noted in the description and/or retention so specific files are “removed,” not “destroyed.”

It is up to the governing body of each respective Local Government Agency to set up final review and disposal procedures for records which have reached the end of their retention time. Any records disposed of must be recorded on Disposition Forms. These forms must be retained permanently. (*See Appendix H for sample form.*) For more information on record disposition refer to LG1.30.

Local government agencies must receive and retain a **certificate of destruction** for any records collected by/sent to recycling facilities to ensure: 1) only records actually due for destruction are collected; 2) records intended for recycling are not at risk of removal by unauthorized persons, both while on site at the local government agency's offices and after removal to the recycling facility; 3) there is reasonable assurance that the recycling process will completely obliterate all information from the records.

DISPOSITION OF LOCAL GOVERNMENT RECORDS

No record shall be destroyed except by these schedules, unless authorized by state or federal law or rule. Records retained per municipal policy may be retained longer, but not less than, state law or rule. Any records not listed in the Local Government Retention Schedules, or which are not otherwise written in Maine statute or Federal law, must be approved in advance, and in writing, by the State Archivist and the Archives Advisory Board. Default retention is permanent for any records not listed in the Local Schedules.

Requests for alternative retention of records or for retention of records not specified in the Local Schedules can be made in writing to the State Archivist, accompanied by sample copies of the records involved. Communications can be addressed to: State Archivist/Local Government Records, Maine State Archives, 84 State House Station, Augusta, Maine 04333; or email katherine.mcbrien@maine.gov.

RECORD RETENTION SCHEDULES

These record retention schedules shall be used to identify those local government records that shall be retained permanently by the local government agency and to provide retention periods for records that have temporary value. All municipal, quasi-municipal, and county government offices shall follow the records retention requirements as provided.

RECORDS SUBJECT TO AUDIT OR LITIGATION

A Local Government record whose retention period has expired cannot be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated or reasonably anticipated; its destruction shall not occur until the completion of the action and the resolution of all issues arising from it. A record can also not be destroyed if the retention period occurs during any of these proceedings. For more information on this subject, see the Maine [FOAA website](#).

ELECTRONIC RECORDS

Records retention schedules apply to records regardless of their physical format. Therefore, records created or maintained in electronic format must be retained in accordance with the minimum retention requirements presented in these schedules.

All local government personnel who develop, use, and maintain electronic records must be trained to use the schedules for determining the *minimum* time records are to be kept fulfilling administrative, fiscal, and legal requirements of the agency.

All local government employees are responsible for maintaining the integrity of records whether those records are stored electronically or in hard copy. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods have been met, regardless of the medium.

For further information on Records / Electronic Records see Appendix D and E.

CORRESPONDENCE

Correspondence can be produced in many formats including paper and electronic records. Correspondence records are covered by Schedule 9. The retention periods listed on this schedule apply equally to all correspondence, whether electronic or paper. Please remember that being the custodian of the record (retaining the official record copy) may be different depending on whether a staff member is the sender or the recipient; whether messages are copies where no action is required; and whether other copies exist. Here are a couple of examples: A message from the Town Manager sent to all employees might be maintained as Official Correspondence by the Town Manager. That same piece of correspondence received by employees would be considered informational or transitory (unless action is required). In lengthy, business-related email discussions involving several agency staff, you may keep a copy if: (1) you add anything of value to the discussion or contribute beyond simply agreeing or disagreeing; or (2) you were the last person to add anything of value to the discussion, in which case you should keep the entire thread.

Official Correspondence is a permanent record that documents the major activities, functions and programs of an agency and the important events in its history. Examples of Official Correspondence include policy memoranda dictating or establishing policy, directives, official notifications of decisions or actions, or summaries of cumulative experience or history. Most of this correspondence will be for administrative officers or board officials. Not everything written at this level will have archival value. Records must be based on content and always be evaluated.

General Correspondence is correspondence that is not crucial to the preservation of the administrative history of the city/town office. It is of a non-policy nature and without permanent value dealing only with general operations. These can include general requests and inquiries from the public which do not constitute an official FOAA request, but which may require some research. Examples of General Correspondence include explanations of policy, requests for information, or business-related discussions within an office.

Program Correspondence relates to specific government programs documenting work accomplished, transactions made, or actions taken. These records are created while administering functions and programs and should be filed as part of the program records or per the retention schedule established for the specified program. Retention will vary depending on the retention schedule. An example of correspondence related to a program could be any relevant communications related to election files or contracts. Relevant correspondence would generally be retained as long as other documents for the program.

Transitory Correspondence consists of records that are created primarily to communicate information of short-term value. These are records of temporary usefulness that are not an integral part of a records series of an agency, that are not regularly filed within an agency's recordkeeping system, and that are required only for a limited time for the completion of an action. Examples of transitory messages include, but are not limited to, reminders to employees about scheduled meetings or appointments; most telephone messages (whether in paper, voice mail, or other electronic form); announcements of office events such as holiday parties or group lunches; and recipient copies of announcements of agency sponsored events such as exhibits, lectures, workshops, etc. Transitory messages are not intended to formalize or perpetuate knowledge and do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt.

SOCIAL MEDIA

Many agencies are using social media to communicate with citizens and gather feedback. Social media refers to the various activities integrating web technology, social interaction, and user-generated content. Social media is used internally and externally to share routine information, support business processes, and connect the public to local government. Social media includes blogs, microblogs (Twitter), video sites (YouTube, TikTok), image sharing services (Flickr, Instagram), networking sites (Facebook, LinkedIn), and other interactive sites.

Social media is also a records creation platform, and those records must be managed throughout their lifecycle, just like any other record. All posted material is public record. A process to save and retain all postings (outgoing and incoming), must be instituted in accordance with the State's Records Retention Law. This requirement applies regardless of the form of the record (digital text, photos, audio, video, etc.). Agencies shall not rely upon the social media provider's in-house policies for this purpose.

Agencies need to understand what is involved in using social media as a means of communicating and distributing information to their constituents. Using social media requires thoughtful consideration of access, resources, technology, records management, and security.

If social media is already being used, the agency or municipality must conduct an inventory to determine how those platforms are being used and what type of records are being created so there is a broad sense of the scope of the activity and value of the records being generated (what should be captured and for how long).

TEXT MESSAGES

Text messages about the work of the agency are public records. Texting on personally owned devices about the work of the agency are still public records. Retention of text messages is the responsibility of the agency and is based on the function/content of the message, not its format. Like social media, using text messages for government communication complicates the process of capture and preservation. The Maine State Archives does not recommend using text messaging for more than transitory communications (unless there is a capture tool in place). In the instance that a text message becomes an official record, the Archives requires sending the text message content to an official local government email address for retention. Agencies must clearly understand the limits of using third-party tools and the potential risks of using text messaging for anything other than transitory messages.

PUBLICATIONS

Publication includes those items which are printed or made available online and open to the public. They document agency-related functions or activities, but not material issued for internal administrative use. Publications and reports contain important facts and statistics about the operation of the agency and its policies and are retained permanently because they provide information which aids in understanding the administrative functioning of the agency.

MINUTES OF MEETINGS

Boards, commissions, councils, task forces, etc., that were established by statute or Executive Order, or that establish or administer policy are examples of entities for which minutes must be created and retained per [MRS Title 1, §403. MEETINGS TO BE OPEN TO PUBLIC; RECORD OF MEETINGS](#). For more information on meeting minutes, refer to Schedule 10.

NOTE: State Archives recommends retaining these records in the form of written minutes. These are historic records which capture local government proceedings. Ensuring audio/video recordings are accessible and usable indefinitely would prove to be extremely challenging.

INFORMATIONAL AND REFERENCE MATERIALS

These are materials which may aid in or support the conduct of official agency business but are not critical to continued operations and typically are considered non-record materials; items often produced outside the agency; and duplicate copies or material retained elsewhere. These materials are retained solely for the ease of access and reference. When reference materials are not included as part of another record series (a program study, for example), they should only be kept until no longer needed and then destroyed. Examples of informational and reference materials: externally created brochures and publications, duplicate copies of memoranda which do not require action by the receiving unit, literature not related to day-to-day activities, and some tracking tools, such as logs.

COPIES OF RECORDS (CONVENIENCE COPIES)

Agencies often make copies of records for internal use for reference purposes. The original record would be designated as the official record and be retained according to an approved records retention schedule. Agencies can destroy all other copies when they are no longer useful but retain no longer than the official record. For FOAA purposes, a convenience copy shall not be retained longer than the official record. Otherwise, if there is a FOAA request, that **copy** (which should have been destroyed) will have to be produced.

IMPORTANT NOTE: Copies can sometimes have other purposes with an associated retention if they have a specified purpose separate from the official record (but never longer than the official record). These are not considered convenience copies but are retained to fulfill an administrative, fiscal, or legal purpose for the agency.

HOW TO USE THE SCHEDULES

Records (regardless of media) are scheduled for retention by the office which has legal accountability. Additional copies held only for convenience are not records and can be destroyed when no longer needed. (No copies shall be retained longer than the original *record copy* and beyond required retention periods.) Drafts and working documents which add supportive information, or which are incorporated into official files become part of that file and have the same retention period as the other records contained therein. (See Appendix F for more information on drafts.)

The retention column indicates either 1) a limited period after which the records will be destroyed, or 2) the word "Permanent," indicating the records **cannot be destroyed** and must be retained permanently.

Retention starts at some trigger event - something which occurs to initiate the beginning of the retention period. Typically, for most local government records, it is when a record is considered closed (when the normal business process has concluded). For other records it could be based on a specific event such as the approval of Board minutes; termination of employee; or settlement of claim. The start of the retention period should be noted in the associated retention schedule.

By default, any retentions not specifically noted in these schedules begin when records are considered closed.

Confidential Records

For confidentiality restrictions on records, agencies can refer to state and federal law or consult with their legal counsel. There may be records that are confidential by statute or records which are confidential in part. There may also be conditions where certain final judgements may be released, even though most of the case file remains confidential. As one example, most personnel files are confidential, however there are exceptions (see [MRS Title 30-A, §2702. PERSONNEL RECORDS](#)).

Local Government Record Retention Schedules will remain in effect until replaced, withdrawn, or superseded by the Maine State Archives.

STATUTORY AUTHORITY: 5 MRSA, Chapter 6, §95-B

EFFECTIVE DATE: May 16, 2018

AMENDED: August, 24, 2018 (School Schedule revision); September 9, 2019 (correction of description, Election Schedule 5.2);
October 14, 2020 (correction of confidential records description and removal of notations)

REVISION: May 16, 2024 (Version 1 revision)

Overview of Schedule Changes for Version 1

| Schedule | Previous Schedule Number | Revision Status |
|---|--------------------------------|--------------------------|
| Schedule 1 Administrative Records | 1 | Revised |
| Schedule 2 Financial Records | 2 | Revised |
| Schedule 3 Payroll Records | 3 | Revised |
| Schedule 4 Personnel Records | 4 | Revised |
| Schedule 5 Election Records | 5 | Revised |
| Schedule 6 Licenses and Permits (Parts 1 and 2) | 6 | Revised |
| Schedule 7 Vehicle Registrations | 7 | Revised |
| Schedule 8 Vital Records | 8 | Revised |
| Schedule 9 Correspondence | New (previously part of Admin) | New |
| Schedule 10 Meeting and Board Records | New (previously part of Admin) | New |
| Schedule 11 Electronic/Information Technology Records | New | New |
| Schedule 12 Building/Land Records | 9 | Revised |
| Schedule 13 Parks and Recreation Records | 10 | Revised |
| Schedule 14 Public Works | 11 | Revised |
| Schedule 15 Assessor's Records | 12 | Revised |
| Schedule 16 Tax Records | 13 | Revised |
| Schedule 17 County Clerks, Commissioners, Treasurers | 14 | Revised |
| Schedule 18 Register of Deeds | 15 | Registry made no changes |
| Schedule 19 Register of Probate | 16 | No changes |
| Schedule 20 District Attorneys | 17 | Review pending |
| Schedule 21 Law Enforcement | 19 | Revision pending |
| Schedule 22 Jail Records | 20 | Revision pending |
| Schedule 23 Fire Department | 21 | Revision pending |
| Schedule 24 Schools | 18 | Revision pending |