

# The Adoption of an Archival Program for Maine

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FROM the State of Maine's first year of statehood in 1820, until the passage of an act creating the Office of State Archivist in 1965 by the 102d legislature, practically nothing had been done to preserve Maine's irreplaceable historical records. During the 145 years since the State's organization, however, legislation which would have meant greater care and protection of State documents and records has been frequently introduced before the Maine Legislature.

Since the passage of "An Act for the safe keeping of the Records of the several Courts of Justice, Approved March 19, 1821" (Laws of 1821, c. 108), and of "An Act to provide for the safe keeping of Public Records, and for regulating the quality of paper for Books of Public Records, Approved January 27, 1821" (Laws of 1821, c. 109), a number of reports have been issued regarding the condition of State records, with various proposals for their care and preservation.

Typical of these is the report made by the Committee on Library to the 61st legislature in 1883. The committee, in recommending that the legislature authorize the enlargement of the State House, as a prelude to their recommendations submitted an interesting description of existing conditions, which the members felt warranted immediate attention:

The Committee to whom was referred the order directing them to ascertain whether the accommodations for the State Library, and the records of the action of the Governor and Council, and of other public documents, are adequate and safe, have attended to their duty, and beg leave to submit the following

## REPORT:

That the accommodations for the State Library are in the attic of the State House, reached by long flights of stairs extending to the extreme eleva-

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tion of the dome, in apartments, one lighted only by gas, now crowded to their utmost capacity; that the Library is so situated that in case of fire none of the forty thousand volumes could be saved, nor, if burned, could be replaced for less than sixty or seventy thousand dollars, while some valuable works could not be replaced. The Library is also exposed to damage from leakage of the roof, which careful and repeated efforts to remedy have not prevented. Only the ceaseless efforts of the Librarian save the books from damage in heavy storms and in the melting of snow.

In the office of the Secretary of State there are original engrossed Laws and Resolves, 180 volumes.

Original records of commissions, etc., 155 volumes.

Original House and Senate Journals, (written) 124 volumes.

Original Council Journals and Registers, (written) 124 volumes.

Original sundry other records, 50 volumes.

Original papers of House and Senate, laws passed, filed in boxes, 1,375 volumes.

Original papers of Governor and Council, filed in boxes, 850 volumes.

Indexes of the above, covering the time since the admission of the State, 25 volumes.

Indexes of miscellaneous documents, 4 volumes.

Miscellaneous original papers, filed, 400 volumes.

All the original papers relating to the separation of the State from Massachusetts; all original Indian Treaties, Deeds to State, Contracts, Treasurer's Bonds, original Constitution engrossed on parchment, maps, etc., complete sets of Acts and Resolves of State, and sets of Public Documents, etc., etc.

In the Land Office are about 350 volumes or records of surveys, field notes, records of all conveyances of State to settlers and proprietors; records of all matters relating in any way to the settlement of public lands, with complete records of account of all labor performed by settlers in payment of lands, with all original papers pertaining to these matters, besides a large number of original plans and maps. There is no printed copy of these documents, and if lost the originals could never be replaced.

Important rights sometimes depend upon proof of the official character of the officers, long after decease, and the proof of their commissions can only be made by reference to the original records. We cannot measure the damage and confusion that would follow the loss of all these unprinted records and documents. There are also the important documents of the other departments of the government, the loss of which would involve very serious evil.

We need not say that the State House is not fire proof. Its safes and vaults, with the exception, perhaps, of the safe in the Treasury department, are no doubt less secure than those of the City Hall in Portland, at the time when the Records of the Probate Office were destroyed. Already several times has the State House been on fire, happily discovered in time to arrest the flames. Indeed, the gentleman who is especially and intimately

acquainted with its condition and its exposure, speaks of it as a "vast tinder box."

Nor are the accommodations of the State House adequate. Nearly every space in the main office of the State department is filled, and the office in the basement is crowded to its utmost capacity with cases, most of which are now full. Some of the documents are becoming injured by dampness which, if continued, will in time be destructive.

The Legislature does not need to be informed of its own want of accommodation, and of room for the discharge of its duties, especially for the use of its Committees.

Your Committee feel that the exposure of the Library and of the public archives of the State, to such serious and irreparable loss, and the wants of the Legislature, demand speedy and efficient means, both for the supply of their want, and for the accommodation of and safety of the Library and of the many and valuable documents in the different departments of the government.

Commissioner Goddard's observation, in his report on the statutory revision of 1883, that he could find no evidence in the "Archives of the State" of the adoption of an amendment to the Maine Constitution, purportedly accepted by the people in 1871, is especially significant when one realizes that the situation has not measurably improved in the last 82 years.

In 1908 the first and only inventory of State records was completed by Professor Allen Johnson of Bowdoin College. As for the condition of the records at this time, Professor Johnson pointed out that "lack of adequate office space in nearly every department . . . [had] led to very general carelessness in the preservation of records not in use." Stating that "the sorry condition of the State archives . . . [had] already been brought to the attention of the public authorities, and plans . . . [had] been made to secure remedial legislation from the next legislature," Johnson emphasized that "there . . . [were] initial difficulties . . . which any legislative action . . . [would] encounter."

After pointing out that "the Constitution . . . [provided] that the records of the State . . . [should] be kept in the office of the Secretary of State," he concluded that "the proposal to create a department of archives and history, with the State Historian in charge, to which the custody of the public records shall be given, would . . . seem to be of doubtful constitutionality. Yet to leave the records as they . . . [were], just as surely . . . [defeated] the purpose of the constitutional provision." Johnson suggested in his report that "in any event, an enlargement of the office of the

Secretary of State with ample precautions against fire . . . [was] the very least that the next Legislature . . . [could] do to preserve the archives of the State."

It would seem quite possible that temporary relief might have been provided through the extensive renovation of the State House in 1909 and 1910, but that this was not so is borne out by the remarkable series of biennial reports issued by the Reverend Henry S. Burrage, the first State Historian, during the period 1907 to 1914, in which he described the deplorable condition of the records of the State in great detail and urged the State to establish an official archives for their safekeeping and preservation.

The intervention of World War I provided a further delay, and it was not until 1932, when the Public Archives Commission of the American Historical Association conducted its survey of public records legislation, that the need for greater care and protection of State records again drew attention. The report, based on a national survey, uncovered an almost complete lack of State legislation defining or regulating public records, except in four States that had adopted adequate laws to regulate their public records. These findings, however, caused little more than a ripple of interest in Maine; and, particularly because the survey was directed specifically toward the condition of county and local records, no move was made in Maine to provide for more systematic treatment of the State's public records.

The need for a flexible, eclectic approach was advocated intermittently by various people during the next few years, but it was not until 1943 that the legislature seriously considered some form of action to cope with the increasing proliferation of State records.

The measure taken at this time was entirely negative in its approach and consisted of establishing a three-member committee, consisting of the State Historian, the Attorney General, and the Commissioner of Finance and Administration, to oversee the destruction of noncurrent State records of little or no historical value. The Committee on Destruction of Old Records, which from its inception has dealt almost exclusively with the disposition of current records, was never intended by the legislature as the final solution to records control, but for the last 20 years it has been the only component of records management in effect in Maine.

In 1945 another unsuccessful bid at legislation was made with the introduction of a bill "Relating to the State Historian, State History and Public Records," but this was indefinitely postponed

by the legislature, with considerably less than the full consideration it deserved.

During the following 10 years, from 1947 to 1957, no legislation was introduced in the Maine Legislature relating to records management and preservation. One of the reasons for this, perhaps, was the opening of the new State Office Building. This, by providing the administrative departments with much needed office space, helped to ease the problem of records storage that had been quite evident before this time. Until 1959, however, the question of an archives program for Maine had never been fairly met by the introduction of the type of legislation needed to provide for an effective records management and archival program. Why this should be so is particularly difficult to understand in view of the long continuing policy of the Maine Legislature to assist in the publication of local history, provide financial assistance to historical societies, and make substantial appropriations for the purchase of documents and materials of public interest and importance to the State.

The fact that Maine has a quasi-archival establishment in the office of the Secretary of State, which provides reasonably adequate storage for the more important State papers, has undoubtedly led many to believe that all State records were well cared for. This belief, combined with continuing indifference on the part of the public and the Legislature concerning the overall condition of State records, seems to account adequately for the lack of concern for their care and preservation and the delay in recognizing the need for an efficient archival program.

Since 1959 the need for such a direct, positive approach to the handling of the State's current and noncurrent records has been considered during each session of the legislature, resulting in a basic agreement that while such a program was necessary, the funds necessary for establishing and maintaining such a program were not. As a consequence each of the measures introduced during the 1959, 1961, and 1963 sessions of the legislature failed at the appropriation stage after both branches of the legislature had authorized the establishment of an archives program. These abortive attempts to provide for much needed archival legislation were sponsored by Rep. Jerome G. Plante of Old Orchard Beach, who, as Clerk of the House of the 102d legislature, greatly assisted the proponents in securing final passage of the State's new archives act.

The fact that since 1960 there has been a tremendous surge

in cultural interest in Maine has resulted in greater emphasis on the achievement of the State's cultural goals. Although this interest lacked the necessary strength to provide much assistance in securing the passage of Representative Plante's bill during the 1961 legislative session, the organization of a federation of historical societies during that time provided the broad type of support which eventually proved decisive.

The recent legislation adopted by the 102d legislature to establish the State's new public records program was sponsored as the recommendation of the Maine Archives Committee, which was created by Gov. John H. Reed, before the 102d Legislature convened, "to review the need for a program to assemble in one location the documents, records and other papers of the State in order that they may be preserved permanently and made available for viewing as a matter of interest and scholarly research." The Committee, under the able direction of Dean Ernest C. Marriner of Colby College, concluded at its first meeting on December 30, 1964, that because an archives program was "of such fundamental importance to the State" legislation to establish a State archival agency was "vital."

A special subcommittee of three was appointed to prepare appropriate legislation, which was subsequently introduced, under joint sponsorship, by Reps. Walter A. Birt and James A. Bishop, as a bill "Creating the Office of State Archivist" (H.P. 768, L.D. 1012).

On March 23, 1965, the committee submitted its first report to the Governor, reporting its findings that "the State of Maine has acquired a vast quantity of valuable material of public interest and importance to the citizens of the State," and that, "for the people of the State of Maine to derive the fullest use and enjoyment from such documents and materials, they should and must be made accessible for State and public use." In implementing its findings, the committee urged the passage of its proposed bill during the pending legislative session. The committee, with the cooperation of Governor Reed and Secretary of State Curtis, promoted interest in the bill by sponsoring an exhibition in the State House of significant archival material.

The Archives Bill was reported out of the Appropriations Committee with a unanimous "Ought To Pass" report on April 15, 1965, and was enacted by the legislature, as amended, on June 4, 1965. Governor Reed approved the bill on June 8, 1965, and the bill, as enacted, became "An Act Creating the Office of State Ar-



chivist," Public Laws, 1965, c. 441 (*Maine Revised Statutes Annotated*, Title 27, c. 10).

As the Maine Archives Committee points out in its analysis of the substantive provisions of the recently adopted law:

The Act creates the office of State Archivist and gives him duties under two general headings:

1. Records Management, and
2. Archives.

Under the Records Management provisions the Archivist is to establish procedures within the executive branch (which other branches may adopt) for current records management, for the transfer of noncurrent records of archival value to the Archives, and for the destruction of noncurrent records lacking archival value.

Under the Archives provisions, the Archivist is to receive archival material both through the Records Management program and by negotiation with other public officers and private donors, to make such material (or copies thereof) available to the public, and to protect such material from loss or deterioration.

The Archivist is to be appointed by the Secretary of State for a term of six years. An Archives Advisory Board, consisting of 5 State officers acting *ex officio* and 6 interested persons appointed by the Governor, is also established. This body is to advise the Archivist in the performance of his duties.

As the Committee further points out:

The Act has the unanimous approval of the members of the Committee. It will raise Maine from its present low place in the field of archives and records management to a position of leadership among the States. At the same time, the Act will fill a major need in making available to scholars and citizens at large Maine's vast documentary heritage. Dr. Ernst Posner, leading authority in the field, called the measure "a truly modern act that embodies our best thinking in the matter of records and archives management. It is also a strong act giving to the archivist the necessary authority."

The following excerpt from the report of the Maine Archives Committee submitted to Governor John H. Reed on September 24 seems particularly fitting in view of its timeliness:

While the passage of the Act represents a most significant achievement, the fact that the appropriations necessary to fund the program do not become available until the second year of the biennium, 1966-67, makes it imperative for the Committee to suggest that further consideration be given to full implementation of the program. Measures which should be considered by the Governor and the Legislature are:

(1) The appointment of the Archives Advisory Board as soon as conveniently possible;

(2) The enactment of legislation at the forthcoming special session of the Legislature that would provide the funds necessary to permit the Archivist to be employed and to enter upon his duties earlier than otherwise would be possible.

The principal reasons for these suggestions are as follows:

(1) When the Archives Advisory Board has been appointed, it will be able at once to begin to seek out qualified candidates for the position of State Archivist and make recommendations concerning them to the Secretary of State.

(2) The conditions which prompted passage of the Act will not be improved by delay. As Dr. Posner points out in his *American State Archives* (1964), many of the State's records "are either inaccessible or kept under conditions that are haphazard and unsafe. Great losses undoubtedly have occurred." Obviously, as more records accumulate without the supervision of a trained archivist, the dangers of loss and destruction will greatly increase.

(3) Unless noncurrent records having no legal or historical value are destroyed, valuable time and space essential to the State's normal activities will be lost. This function, which was formerly handled by the Committee on Destruction of Old Records, is now to be exercised by the Archives Advisory Board and the Archivist. Appointment of these officials is obviously necessary to the efficient administration of State affairs.

(4) In order for the Archivist to perform his functions, a suitable physical plant for the Archives must be provided as soon as possible. This facility must be designed with the professional advice of the Archivist and the Archives Advisory Board. . . . Presently there is much impetus in the State for the construction of an archives-museum complex. To insure that plans for the complex do incorporate the features essential to an archives facility, the Archives Advisory Board and the Archivist should be appointed so that they may maintain needed liaison with all other interested parties working toward development of the complex.

Regardless of the reasons, if there are any, for not realizing the earlier establishment of a Maine archives, we are confident that the present act will provide an appropriate vehicle for our long delayed journey into the future. We are aware in Maine that we must move boldly forward in making the cultural resources of the State available to the public, through whatever means possible, not only for the present generation but for later generations, which will realize the accumulated benefits from these efforts. The present act, which could not have been adopted without the dedicated efforts of many during the past year, provides an example of the kind of active support and imagination needed, and in the future may very well represent the means by which the other cultural needs of the State may be met.