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An Act To Modernize the Laws Governing the State's Cultural Agencies

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 27 MRSA §83, sub-§6, as enacted by PL 2007, c. 560, §4, is amended to read:

6. Designate a private support organization. To designate a nonprofit organization as the private support organization for the Maine State Museum. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the Maine State Museum and the museum's programs.

The commission shall delegate authority to the Museum Director to permit, without charge and within the museum's financial means, the appropriate use of fixed property, equipment and facilities of the museum by the private support organization. Such use must be directly in keeping with the approved purposes of the private support organization and must comply with all appropriate state policies and procedures.

The commission's chair, or the chair's designee, and the Museum Director, or the director's designee, must be made nonvoting ex officio members of the private support organization's board of directors. Other members of the commission may serve in a nonvoting capacity on the board of the private support organization if such service is agreed to by the commission and private support organization's board of directors.

Subject to the approval of the commission and review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, the Museum Director shall negotiate an annual memorandum of understanding between the museum and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

Sec. 2. 27 MRSA §83, as amended by PL 2007, c. 560, §§2 to 4, is further amended by adding at the end a new paragraph to read:

The commission shall meet at least 4 times annually and shall make minutes of its meetings available to the public.

Sec. 3. 27 MRSA §84-A, as amended by PL 1991, c. 591, Pt. E, §30, is further amended to read:

§ 84-A. Museum director; appointment

The Director of the Maine State Museum Commission must be qualified by training or by experience in museum work and is appointed by the Maine State Museum Commission subject to review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to confirmation by the Legislature. The director must be chosen without reference to party affiliation and solely on the ground of professional competence to perform the director's duties. The director serves a

term of 6 years from the date of the appointment and until a successor has been appointed and qualified.
~~The director shall serve for an indefinite term, subject to removal for cause.~~ The commission shall fix compensation for the director within salary range 88.

Sec. 4. 27 MRSA §111, sub-§1, as amended by PL 1993, c. 349, §57, is further amended to read:

1. Maine Library Commission. There is created the Maine Library Commission, as established by Title 5, section 12004-G, subsection 7-E. It consists of 15 members appointed by the Governor. The library commission must be broadly representative of the State's libraries and consist of a representative from public, school, academic, special, institutional and handicapped libraries, a trustee representative, one representative from each of the library districts as they are formed and 3 representatives from the State at large of whom one must be a representative of the disadvantaged.

The term of each appointed member shall be 5 years or until a successor is appointed and qualified. Of the members first appointed, 3 shall be for one year, 3 for 2 years, 3 for 3 years, 3 for 4 years and 3 for 5 years. Subsequent appointments shall be for the full term of 5 years. No members may serve more than 2 successive terms. In the case of a vacancy other than the expiration of a term, the appointment of a successor shall be made in like manner for the balance of the term.

In addition to the 15 appointed members, the directors of the area reference and resource centers shall serve as permanent, nonvoting ex officio members of the Maine Library Commission.

The commission shall meet at least 4 times a year. It shall elect a chair and vice-chair for terms of 2 years and frame and modify bylaws for its internal organization and operation. The State Librarian shall serve as secretary to the commission. The members of the commission shall be compensated according to the provisions of Title 5, chapter 379. The commission shall make minutes of its meetings available to the public.

Sec. 5. 27 MRSA §112, sub-§1, as amended by PL 1991, c. 528, Pt. E, §31 and affected by Pt. RRR and amended by c. 591, Pt. E, §31, is further amended to read:

1. Appointment of State Librarian. Appoint the State Librarian subject to review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to confirmation by the Legislature. The State Librarian must be qualified through training or experience in library work. ~~The State Librarian shall serve for an indefinite term, subject to removal for causeserves a term of 6 years from the date of appointment and until a successor has been appointed and qualified.~~ The commission shall fix compensation for the State Librarian within salary range 88;

Sec. 6. 27 MRSA §261, as repealed and replaced by PL 1999, c. 706, §5, is amended to read:

§ 261.Appointment

The Governor shall appoint the State Historian subject to review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to confirmation by the Legislature. The State Historian must be a resident of the State, a member of an historical society in the State and distinguished as a researcher, writer, lecturer or teacher of Maine history. In making the appointment, the Governor shall consider any recommendation for the position by the Maine State Cultural Affairs Council. ~~The term of appointment for the State Historian is 4 years or until a successor is appointed and qualified.~~The State Historian must be chosen without reference to party affiliation and solely on the ground of professional competence to perform the State Historian's duties. The State Historian serves a term of 6 years from the date of the appointment and until a successor has been appointed and qualified. Reappointment is permitted.

Sec. 7. 27 MRSA §403-A, as amended by PL 1991, c. 591, Pt. E, §32, is further amended to read:

§ 403-A. Director of Maine Arts Commission; appointment

The Director of the Maine Arts Commission must be qualified by training or experience and is appointed by the Maine Arts Commission subject to review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to confirmation by the Legislature. ~~The director shall serve for an indefinite term subject to removal for cause.~~The director must be chosen without reference to party affiliation and solely on the ground of professional competence to perform the director's duties. The director serves a term of 6 years from the date of the appointment and until a successor has been appointed and qualified. The commission shall fix compensation for the director within salary range 88.

Sec. 8. 27 MRSA §404, as amended by PL 1987, c. 816, Pt. EE, §7, is further amended by adding at the end a new paragraph to read:

The commission shall meet at least 4 times a year and shall make minutes of its meetings available to the public.

Sec. 9. 27 MRSA §504, as amended by PL 1989, c. 647, §1, is further amended by adding at the end a new paragraph to read:

The commission shall meet at least 4 times a year and shall make minutes of its meetings available to the public.

Sec. 10. 27 MRSA §505, sub-§1, as amended by PL 1991, c. 528, Pt. E, §33 and affected by Pt. RRR and amended by c. 591, Pt. E, §33, is further amended to read:

1. Appointment. The Maine Historic Preservation Commission may appoint a director ~~who~~subject to review by the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to confirmation by the Legislature. The director must be qualified by special training or experience in the field of historic preservation and ~~who shall~~must also serve as the State Historic Preservation Officer upon appointment by the Governor and ~~is subject to removal for cause under the Civil Service Law.~~ The director serves a term of 6 years from the date of appointment and until a successor has been appointed and qualified. The commission shall fix compensation for the director within salary range 88.

Sec. 11. 27 MRSA §552, as enacted by PL 1989, c. 700, Pt. B, §42, is amended to read:

§ 552. Maine State Cultural Affairs Council

The Maine State Cultural Affairs Council, as established in Title 5, section 12004-G, subsection 7-A, shall ensure a coordinated, integrated system of cultural resources programs and projects and shall ensure the support of cultural heritage institutions and activities of the State. The council shall hold public meetings at least 4 times each year and make minutes of those meetings available to the public.

Sec. 12. 27 MRSA §557, sub-§2-A is enacted to read:

2-A. Catalog of holdings. A list that identifies all items held by the cultural agencies;

Sec. 13. Reviews; legislation. The following reviews must be conducted relating to the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Library Commission, the Maine State Museum Commission, the Maine Humanities Council, the Maine Historical Society and the Maine State Archives, referred to in this section as "the cultural agencies."

1. Modernize statutes. The cultural agencies shall individually review the statutes governing their operations and responsibilities to determine all changes that are necessary to ensure that those statutes are adequate to meet the needs of the State in the 21st century. Each agency shall submit the results of its review and recommended legislation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2011. The joint standing committee may submit legislation related to this review to the First Regular Session of the 125th Legislature.

2. Administrative structure. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs, the cultural agencies, the Department of Education and the Department of Administrative and Financial Services shall work together to determine whether the cultural agencies should be under the jurisdiction of the Department of Education and whether a position of deputy commissioner of cultural affairs should be created within the Department of Education for the purposes of administering the affairs of the cultural agencies, ensuring operational efficiency, avoiding duplication of functions and serving as chair of the Maine State Cultural Affairs Council. The participating agencies shall recommend whether to transfer the cultural agencies to the Department of Education and establish the position of deputy commissioner of cultural affairs and shall include a method of funding such a position within existing resources. The joint standing committee may appoint a subcommittee to participate in this review. Meetings may be held only on days when legislative members are eligible for per diems or reimbursement for expenses for other purposes. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit legislation related to this review to the First Regular Session of the 125th Legislature.

SUMMARY

This bill provides for further implementation of recommendations contained in the State Controller's audit of the Maine State Library, the Maine Arts Commission, the Maine State Museum Commission and the Maine Historic Preservation Commission to provide greater accountability and transparency in the conduct of the work of those agencies. The bill directs the cultural agencies to recommend

legislation to modernize the laws related to those agencies. The bill directs the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to work with the agencies, the Department of Education and the Department of Administrative and Financial Services to determine whether to establish a new position of deputy commissioner for cultural affairs within the Department of Education and place the cultural agencies under the jurisdiction of that department. The bill also makes changes to the appointment process for certain members overseeing the agencies, specifies the terms for members of and permissible reappointments for certain commissions and strengthens public access to records of the commissions.