

TITLE 27**LIBRARIES, HISTORY, CULTURE AND ART****CHAPTER 1****STATE LIBRARY****SUBCHAPTER 1****STATE LIBRARIAN****§1. Salary; duties**

The Maine State Library shall be under the management and supervision of the State Librarian as appointed pursuant to section 112, who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents. The librarian shall receive such salary as shall be set by the Governor. [PL 1989, c. 700, Pt. B, §15 (AMD).]

The librarian may employ, subject to the Civil Service Law and the approval of the Maine Library Commission, a deputy state librarian, and such assistants as the business of the office may require. [PL 1989, c. 700, Pt. B, §15 (AMD).]

SECTION HISTORY

PL 1971, c. 610, §13 (AMD). PL 1975, c. 771, §290 (AMD). PL 1985, c. 785, §B123 (AMD). PL 1989, c. 700, §B15 (AMD).

§2. Contents; exchange

1. Library contents. The State Librarian shall procure and keep in the State Library the following:

A. Histories of this State, its counties and its towns; [PL 1979, c. 541, Pt. A, §185 (NEW).]

B. Histories of all countries; [PL 1979, c. 541, Pt. A, §185 (NEW).]

C. Family histories; [PL 1979, c. 541, Pt. A, §185 (NEW).]

D. Works on the arts and sciences, with special reference to agriculture, forestry, fishing, manufacturers, shipbuilding and road making; [PL 1979, c. 541, Pt. A, §185 (NEW).]

E. Maps, charts, plans, manuscripts and statistical and other publications relating to the financial, social, religious and educational condition of this State and then of the world as fast as the State furnishes the necessary means; [PL 1979, c. 571, Pt. A, §185 (NEW).]

F. Full and complete sets of all the documents printed by the State; and [PL 1979, c. 541, Pt. A, §185 (NEW).]

G. Full and complete sets of the reports of the towns, cities and counties of this State. [PL 1979, c. 571, Pt. A, §185 (NEW).]
[PL 1979, c. 541, Pt. A, §185 (NEW).]

2. Exchanges. For the purpose of carrying out this section, the State Librarian shall be empowered to provide the following:

A. Conduct a system of exchanges with other libraries and institutions of learning; and [PL 1985, c. 499 (NEW).]

B. Provide a service which will collect state and national educational research and resources to be made available to all State educators and citizens. [PL 1985, c. 499 (NEW).]
[PL 1985, c. 499 (RPR).]

SECTION HISTORY

PL 1971, c. 480, §5 (AMD). PL 1979, c. 541, §A185 (RPR). PL 1985, c. 499 (AMD).

§3. Books lent

Under such rules and regulations as the State Librarian may prescribe, books and documents may be lent to any responsible resident of the State. Such rules and regulations may include the charge for overdue books and documents. [PL 1971, c. 127, §1 (AMD).]

SECTION HISTORY

PL 1971, c. 127, §1 (AMD).

§4. Responsibility for books borrowed

Any person or organization receiving the loan of any books, documents or other material from the Maine State Library shall be responsible for the full value thereof to the librarian, and in case of the loss of or damage to a volume belonging to a set, shall procure a new volume or be responsible for the value of the set. If any person or organization shall neglect or fail to return any books, documents or other material lent to them, or shall return the same in an injured or mutilated condition, after due demand and notice, the librarian may maintain a civil action against such person or organization for the full value thereof. Actions to enforce the liability mentioned in this section may be brought by the librarian in his own name in behalf of the State, and in case of his death or removal, the action shall be prosecuted by his successor.

§4-A. Revolving Fund

1. Fund created. There is established within the Maine State Library a revolving fund for use by the library to replace books, documents or other materials that are damaged, lost or unrecoverable for which a charge is made.

[PL 1981, c. 496 (NEW).]

2. Price and rates. The State Librarian is authorized to fix the value of library items at current replacement costs plus a reasonable amount incurred in recovering these items.

[PL 1981, c. 496 (NEW).]

3. Income. Income received from subsection 2 shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of subsection 1.

[PL 1981, c. 496 (NEW).]

SECTION HISTORY

PL 1981, c. 496 (NEW).

§4-B. Carrying account

The State Librarian may purchase documents, maps, journals or any other printed material of significance to the historical heritage of Maine. Notification of these purchases shall be made to the State Archivist and State Museum Director. Any funds appropriated for the acquisitions of materials shall not lapse but shall be carried forward from year to year. [PL 1983, c. 517, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 517, §1 (NEW).

§5. Annual report

(REPEALED)

SECTION HISTORY

PL 1971, c. 610, §14 (AMD). PL 1989, c. 700, §B16 (RP).

§6. Reports from counties, cities and towns

Town clerks of the several towns, city clerks of the several cities and treasurers of the several counties shall promptly transmit to the librarian of the Maine State Library copies of all printed reports of said towns, cities and counties, including all printed exhibits of town, city and county expenditures.

§7. Private support organization

1. Designation of private support organization. The State Librarian shall designate a nonprofit organization as the private support organization for the Maine State Library. 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 Library and the library's programs.

[PL 2009, c. 571, Pt. YYY, §1 (NEW).]

2. Nonvoting member on board of directors. The State Librarian, or the librarian's designee, must be made a nonvoting ex officio member of the private support organization's board of directors.

[PL 2009, c. 571, Pt. YYY, §1 (NEW).]

3. Plan of work. The State Librarian shall negotiate an annual memorandum of understanding between the Maine State Library and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

[PL 2009, c. 571, Pt. YYY, §1 (NEW).]

4. Use of property. The State Librarian may permit the appropriate use of fixed property, equipment and facilities of the Maine State Library by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures.

[PL 2009, c. 571, Pt. YYY, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 571, Pt. YYY, §1 (NEW).

§8. Maine Public Library Fund

There is established the Maine Public Library Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5291 and any other money contributed to the fund. The fund is administered by the State Librarian. All money deposited in the fund and the earnings on that money remain in the fund to be used to provide grants to free public libraries for use in providing services identified as priority services by the State Librarian. Money in the fund may also be used for the necessary administrative and personnel costs associated with the management of the fund but may not be deposited in the General Fund or any other fund except as specifically provided by law. [PL 2011, c. 685, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 685, §1 (NEW).

§9. Blind and Visually Impaired News Access Fund

The Blind and Visually Impaired News Access Fund, referred to in this section as "the fund," is established as a dedicated fund within the Maine State Library to be used to provide access to a news service provided by a national federation for blind and visually impaired persons. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the state universal service fund pursuant to Title 35-A, section 7104, subsection 9. The Maine State Library may

accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. Funds transferred from the state universal service fund pursuant to Title 35-A, section 7104, subsection 9 and all gifts and grants and authorized appropriations must be deposited in the fund. [PL 2019, c. 15, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 15, §1 (NEW).

SUBCHAPTER 2

OPERATION AND SERVICES

§31. Library hours

The State Librarian shall keep the library open at least 35 hours per week. A person may not be admitted to the library rooms out of library hours or take any book or other material from the library without the consent of the librarian. [PL 2013, c. 82, §1 (AMD).]

SECTION HISTORY

PL 1973, c. 626, §1 (AMD). PL 2013, c. 82, §1 (AMD).

§32. Historical research

As a part of the general duties of his office, the State Librarian shall maintain a section of historical research which shall have charge of all Maine historical work in the library and carry on research work relating to the history of the State.

§33. Legislative reference

(REPEALED)

SECTION HISTORY

PL 1971, c. 480, §6 (RP).

§34. Library development

The Department of Education shall maintain a school library media section in cooperation with the Maine State Library that must carry on the following activities: [PL 1989, c. 700, Pt. B, §17 (RPR).]

1. Media center standards. Recommending school library media center standards and evaluation of programs;
[PL 1989, c. 700, Pt. B, §17 (NEW).]

2. Certification of media professionals. Assisting in the certification and recertification of school library media professionals;
[PL 1989, c. 700, Pt. B, §17 (NEW).]

3. Project review. Reviewing state funded school library media center construction and renovation projects;
[PL 1989, c. 700, Pt. B, §17 (NEW).]

4. Expenditures for school library media programs. Advising the Commissioner of Education on the expenditure of state and federal grants for school library media programs;
[PL 1989, c. 700, Pt. B, §17 (NEW).]

5. School approval. Assisting the Commissioner of Education with basic school approvals as it pertains to library instruction;
[PL 1989, c. 700, Pt. B, §17 (NEW).]

6. School accreditation. Assisting with local school accreditation visits;
[PL 1989, c. 700, Pt. B, §17 (NEW).]

7. School library staff. Providing leadership in staff development and continuing education of school library staff;
[PL 1989, c. 700, Pt. B, §17 (NEW).]

8. Information for local school systems. Providing educational research and resource information for local school systems;
[PL 1989, c. 700, Pt. B, §17 (NEW).]

9. Video tape library.
[PL 2013, c. 82, §2 (RP).]

10. Related activities. Related activities in cooperation with the Maine State Cultural Affairs Council; and
[PL 2013, c. 82, §3 (AMD).]

11. Electronic resources and database library. Maintaining and providing an electronic library service as well as a database library for use by elementary and secondary schools.
[PL 2013, c. 82, §4 (NEW).]

SECTION HISTORY

PL 1971, c. 127, §2 (AMD). PL 1973, c. 626, §2 (AMD). PL 1989, c. 700, §B17 (RPR). PL 2013, c. 82, §§2-4 (AMD).

§35. Traveling libraries

(REPEALED)

SECTION HISTORY

PL 1971, c. 127, §3 (RP).

§36. Advice to local libraries; gifts; schools of library instruction

The Maine State Library shall give advice to all school, state, institutional and public libraries, and to all communities in the State that may propose to establish libraries, as to the best means of establishing and administering the libraries, selecting and cataloging books and other details of library management, and may send its employees to aid in organizing such libraries or assist in the improvement of those already established. The Maine State Library shall formulate and present to the Legislature a plan for statewide library development and the Maine State Library is designated as the agency for the administration of the plan and is granted the authority to administer the plan on behalf of the State. The Maine State Library may receive gifts of money, books or other property that may be used or held in trust for the purpose or purposes given. The Maine State Library may establish an endowment fund. Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. The Maine State Library may publish lists and circulars of information and may cooperate with the libraries and commissions of other states in the publication of documents in order to secure the most economical administration of its work. The Maine State Library may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the State, and cooperate with others in those schools or institutes. The Maine State Library shall perform such other library service as the Maine State Library may consider for the best interests of the citizens of the State. [PL 1991, c. 622, Pt. V, §1 (AMD).]

SECTION HISTORY

PL 1971, c. 480, §7 (AMD). PL 1973, c. 626, §3 (AMD). PL 1991, c. 622, §V1 (AMD).

§37. Bookmobile service

(REPEALED)

SECTION HISTORY

PL 1973, c. 626, §4 (AMD). PL 2013, c. 82, §5 (RP).

§38. Compliance with federal law

The State Librarian, with the approval of the Governor, may make any regulations necessary to enable the State to comply with any law of the United States, heretofore or hereafter enacted, intended to promote public library services. The Maine State Library is the sole agency authorized to develop, submit and administer or supervise the administration of any state plan required under such law. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for general public library services. [PL 1989, c. 700, Pt. A, §108 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §291 (AMD). PL 1981, c. 464, §28 (AMD). PL 1989, c. 700, §A108 (AMD).

§39. Statewide Library Information System

1. Statement of policy. The Legislature declares that it is the policy of the State that cooperation among Maine libraries of all types should be fostered and encouraged. The sharing of library holdings and of library-developed tools for obtaining electronic information from networked resources enriches the economic, educational and cultural life of each Maine community. Citizen access to materials purchased with public dollars in an era of widespread access to electronic information networks requires that materials be identifiable by title and physical location. It is in the public interest that the Maine State Library promote and assist access by recording information about resources available through Maine libraries and maintaining them in an always-current, immediately accessible electronic form readily available to every citizen through a variety of telephone and network connections. [PL 1995, c. 475, Pt. A, §1 (AMD); PL 1995, c. 475, Pt. A, §2 (AFF).]

2. Legislative intent. Recognizing the value of broad citizen access to information, the State assigns to the Maine State Library the responsibility of providing electronic access to information resources including: the creation of an online catalog of the holdings of libraries and other governmental units throughout the State; the provision of online indexing, full text and document delivery of newspaper, periodical and journal articles; the maintenance of a gateway to the Internet and its vast array of electronic resources; the coordination of an effective and efficient means of transporting physical materials among libraries; and the development of a program to teach citizens of the State to successfully locate, retrieve and use the information contained within various computer systems. It is the intent of the Legislature to provide the Maine State Library with the resources necessary to carry out this section. [PL 1995, c. 475, Pt. A, §1 (AMD); PL 1995, c. 475, Pt. A, §2 (AFF).]

SECTION HISTORY

PL 1987, c. 462 (NEW). PL 1989, c. 700, §A109 (AMD). PL 1995, c. 475, §A1 (AMD). PL 1995, c. 475, §A2 (AFF).

§40. Accessible electronic information services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Accessible electronic information service" means news and other information, including but not limited to newspapers, provided to eligible individuals from a multistate service center using high-speed computers and telecommunications technology for interstate acquisition of content and rapid distribution in a form appropriate for use by such individuals. [PL 2005, c. 651, §1 (NEW).]

B. "Eligible individuals" means blind, visually impaired or disabled individuals who are eligible for library loan services through the Library of Congress and the National Library Service for the Blind and Physically Handicapped pursuant to 36 Code of Federal Regulations, Section 701.10(b). [PL 2005, c. 651, §1 (NEW).]

C. "Qualified entity" means an agency, instrumentality or political subdivision of the State or a nonprofit organization that:

(1) Provides interstate access for eligible individuals to read daily newspapers through producing audio or Braille editions by computer;

(2) Obtains electronic news text either over the Internet or through direct transfer arrangements made with participating news organizations; and

(3) Provides a means of program administration and reader registration on the Internet. [PL 2005, c. 651, §1 (NEW).]

[PL 2005, c. 651, §1 (NEW).]

2. Provision of service. The State Librarian may enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible individuals. If an agreement is entered into, the State Librarian may make use of federal and other funds available for this purpose. [PL 2005, c. 651, §1 (NEW).]

3. Telecommunications education access fund. The State Librarian or the Commissioner of Education may enter into contracts or order services on behalf of schools and libraries in connection with the telecommunications education access fund pursuant to Title 35-A, section 7104-B. The State Librarian or the Commissioner of Education may take advantage of any discounts available pursuant to the federal Telecommunications Act of 1996. [PL 2009, c. 274, §17 (NEW).]

SECTION HISTORY

PL 2005, c. 651, §1 (NEW). PL 2009, c. 274, §17 (AMD).

SUBCHAPTER 3

DISTRIBUTION OF BOOKS AND RECORDS

§61. Maine Reports

(REPEALED)

SECTION HISTORY

PL 1971, c. 480, §8 (RP).

§62. Distribution and sale

(REPEALED)

SECTION HISTORY

PL 1965, c. 425, §17 (RPR). PL 1971, c. 480, §8 (RP).

§63. Price

(REPEALED)

SECTION HISTORY

PL 1971, c. 480, §8 (RP).

§64. Disposition of proceeds**(REPEALED)**

SECTION HISTORY

PL 1971, c. 480, §8 (RP).

§65. Recipients authorized**(REPEALED)**

SECTION HISTORY

PL 1965, c. 425, §18 (RPR). PL 1969, c. 37 (AMD). PL 1971, c. 480, §8 (RP).

§66. Reports of departments and institutions

The State Librarian shall distribute reports of the departments and institutions of the State and other books and documents published or purchased by the State in such manner as the law may direct. The State Librarian may transmit one copy of each published report of each department of the State Government to each library in the State and to the libraries of other states and territories, and make such other and further distribution as in the State Librarian's judgment seems proper. The State Librarian shall maintain a document room in which must be stored all department reports and other publications of the State intended for distribution and shall keep an accurate account of all books and documents received. [PL 2013, c. 82, §6 (AMD).]

SECTION HISTORY

PL 2013, c. 82, §6 (AMD).

§67. Published records of vital statistics purchased**(REPEALED)**

SECTION HISTORY

PL 1967, c. 236 (AMD). PL 1973, c. 626, §5 (RP).

§68. Records of vital statistics distributed**(REPEALED)**

SECTION HISTORY

PL 1973, c. 626, §5 (RP).

§69. Purchase of Maine histories

1. Purchase. The State Librarian shall purchase at least 2 copies of every town history or other book concerning the history of this State that is published in Maine.

[PL 2013, c. 82, §7 (AMD).]

2. Distribution.

[PL 2013, c. 82, §7 (RP).]

3. Surplus.

[PL 2013, c. 82, §7 (RP).]

SECTION HISTORY

PL 1977, c. 546, §1 (NEW). PL 2005, c. 683, §A45 (AMD). PL 2013, c. 82, §7 (AMD).

SUBCHAPTER 4

CONSERVATION AND PRESERVATION

§71. Definitions

(REALLOCATED FROM TITLE 27, SECTION 94)

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 2003, c. 688, Pt. A, §29 (RAL).]

1. Agencies and libraries. "Agencies" and "libraries" means libraries and other agencies collecting, organizing, maintaining and making available to the Maine State Library research materials. [PL 2003, c. 688, Pt. A, §29 (RAL).]

2. Conservation or preservation. "Conservation" or "preservation" means activity for the protection, care and treatment of library materials to prevent loss of their informational content or of the objects themselves, including, but not limited to:

A. Collection condition evaluation and preservation planning; [PL 2003, c. 688, Pt. A, §29 (RAL).]

B. Environmental control; [PL 2003, c. 688, Pt. A, §29 (RAL).]

C. Preparation of library research material for storage, including binding, matting, boxing and other protective wrapping; [PL 2003, c. 688, Pt. A, §29 (RAL).]

D. Disaster prevention, preparedness and recovery; [PL 2003, c. 688, Pt. A, §29 (RAL).]

E. Surveying to identify items needing preservation or collection maintenance planning; [PL 2003, c. 688, Pt. A, §29 (RAL).]

F. Rebinding, repair, mending or cleaning; [PL 2003, c. 688, Pt. A, §29 (RAL).]

G. Reformatting, including photocopying and microfilming; or [PL 2003, c. 688, Pt. A, §29 (RAL).]

H. Major conservation treatment such as deacidification, leather repair and conservation rebinding. [PL 2003, c. 688, Pt. A, §29 (RAL).]
[PL 2003, c. 688, Pt. A, §29 (RAL).]

3. Library research materials. "Library research materials" means informational materials in print, nonprint manuscript or any other format which is a part of the applicant's collection and are or will be available for reference, on-site examinations or loan. Works of art using oil on canvas as a medium are excluded from this definition. [PL 2003, c. 688, Pt. A, §29 (RAL).]

4. Preservation methods. "Preservation methods" means the activities used in the physical treatment, creation of microforms or environmental control. [PL 2003, c. 688, Pt. A, §29 (RAL).]

5. Unique library research materials. "Unique library research materials" means library research materials which are not accessible to the people of the State in any other collection in the State or materials which have research value not duplicated elsewhere in the State. [PL 2003, c. 688, Pt. A, §29 (RAL).]

SECTION HISTORY

PL 2003, c. 688, §A29 (RAL).

§72. Annual appropriation

(REALLOCATED FROM TITLE 27, SECTION 95)

An annual appropriation shall be made for the conservation and preservation of historically significant Maine State Library research material. [PL 2003, c. 688, Pt. A, §30 (RAL).]

1. Annual grants. Annual grants may be made to libraries and agencies for the purpose of conservation or preservation of unique library research materials. Projects proposals shall be evaluated based upon factors, including, but not limited to:

A. Institution commitment to development of a coordinated approach to conservation and preservation of research materials important to the State; [PL 2003, c. 688, Pt. A, §30 (RAL).]

B. Research value of the materials; [PL 2003, c. 688, Pt. A, §30 (RAL).]

C. Appropriateness of conservation and preservation methods; [PL 2003, c. 688, Pt. A, §30 (RAL).]

D. Institutional capacity for successful maintenance of research materials, including facilities, experience and technical expertise; [PL 2003, c. 688, Pt. A, §30 (RAL).]

E. Availability of staff with appropriate training and expertise; [PL 2003, c. 688, Pt. A, §30 (RAL).]

F. Volume of interlibrary lending and accessibility of collections to the public; and [RR 2015, c. 1, §32 (COR).]

G. Contribution of the institution to the grant project in matching funds. [PL 2003, c. 688, Pt. A, §30 (RAL).]

[RR 2015, c. 1, §32 (COR).]

2. Approval of grants. The Maine Library Commission shall approve grants with the advice of the State Librarian.

[PL 2003, c. 688, Pt. A, §30 (RAL).]

3. Proposals. Agencies and libraries applying for grants shall submit project proposals in a form prescribed by the Maine State Library.

[PL 2003, c. 688, Pt. A, §30 (RAL).]

SECTION HISTORY

PL 2003, c. 688, §A30 (RAL). RR 2015, c. 1, §32 (COR).

CHAPTER 2

STATE MUSEUM

SUBCHAPTER 1

GENERAL PROVISIONS

§81. Declaration of policy

The Legislature declares it is the policy of the State that in order to further the cultural and educational interests of the people of the State, to present through the use of its collections and activities the proud heritage and unique historical background, and to preserve and exhibit the environmental and cultural richness of the State, there is established the Maine State Museum. [PL 1965, c. 502, §1 (NEW).]

The Legislature further declares its expectation that the Maine State Museum will follow professional museum, scientific and artifact conservation standards to assemble and protect its tangible collections and intellectual assets held in public trust. [PL 2011, c. 152, §1 (NEW).]

A general diffusion of the advantages of education being essential to promoting the common welfare, the Legislature recognizes these tangible collections and intellectual assets as educational resources essential to the Maine State Museum's mission and public trust responsibilities. [PL 2011, c. 152, §1 (NEW).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 2011, c. 152, §1 (AMD).

§82. Maine State Museum Commission

The Governor shall appoint the Maine State Museum Commission, as established by Title 5, section 12004-G, subsection 7-C, consisting of 15 members especially qualified and interested in the several fields of museum activity. Members are limited to 2 consecutive 5-year terms that expire on August 22nd. Each member serves for the term of the appointment and until a successor is appointed and qualified. The commission shall elect a chair and vice-chair from its members. If a vacancy occurs before the member's term expires, the Governor shall appoint a successor for the unexpired term. Members are entitled to compensation in accordance with the provisions of Title 5, chapter 379. [PL 2007, c. 100, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1983, c. 812, §167 (AMD). PL 1989, c. 503, §B113 (AMD). PL 1989, c. 700, §B18 (AMD). PL 1999, c. 706, §4 (AMD). PL 1999, c. 706, §9 (AFF). PL 2007, c. 100, §1 (AMD).

§83. Powers and duties of Maine State Museum Commission

The general powers and duties of the commission are: [PL 1965, c. 502, §1 (NEW).]

1. Administration. To administer this chapter. In administering its provisions, the commission may formulate policies and exercise general supervision; [PL 1989, c. 700, Pt. B, §19 (AMD).]

2. Prescribe duties of Museum Director. To prescribe the duties of the Museum Director; [PL 1989, c. 700, Pt. B, §19 (AMD).]

3. Delegate powers. To delegate powers to the Museum Director necessary for the administration of this chapter; [PL 1991, c. 622, Pt. V, §2 (AMD).]

4. Recommendations. To make recommendations to the Maine State Cultural Affairs Council for such legislation as may be necessary to improve the functioning of the Maine State Museum; [PL 2007, c. 560, §2 (AMD).]

5. Establish fees. To establish fees for admission to the Maine State Museum and miscellaneous services. All revenues derived from these fees must be credited as undedicated revenue to the General Fund through June 30, 2014. Beginning July 1, 2014, all revenues derived from these fees must be credited as dedicated revenue to the Maine State Museum - Operating Fund, Other Special Revenue Funds account to be used to support the operations of the Maine State Museum. Notwithstanding this subsection, the commission shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free admission pass to the Maine State Museum to each veteran who is determined by the Department of Defense, Veterans and Emergency Management to meet the criteria established in Title 37-B, section 8-A; and [PL 2017, c. 370, §1 (AMD).]

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, 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.

[PL 2007, c. 560, §4 (NEW).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1989, c. 700, §B19 (AMD). PL 1991, c. 622, §§V2,3 (AMD). PL 2003, c. 20, §P1 (AMD). PL 2007, c. 560, §§2-4 (AMD). PL 2013, c. 595, Pt. M, §1 (AMD). PL 2017, c. 370, §1 (AMD).

§84. Museum Director

(REPEALED)

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1971, c. 610, §15 (RP).

§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. 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. [PL 1991, c. 528, Pt. E, §30 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §30 (AMD).]

SECTION HISTORY

PL 1989, c. 700, §B20 (NEW). PL 1991, c. 528, §E30 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E30 (AMD).

§85. Powers and duties of Museum Director

(REPEALED)

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1971, c. 610, §16 (AMD). PL 1981, c. 8 (AMD). PL 1985, c. 785, §B124 (AMD). PL 1987, c. 465, §1 (RP).

§85-A. Powers and duties of Museum Director

The Museum Director shall have the powers and duties established under the following provisions governing the administration and operation of the Maine State Museum activities: [PL 1987, c. 465, §2 (NEW).]

1. Duties prescribed. To perform the duties which are prescribed for him by the commission; [PL 1987, c. 465, §2 (NEW).]

2. Administration. To administer the office of Museum Director. In exercising the director's administration, the Museum Director shall promulgate operating policies, establish organizational and operational procedures and exercise supervision of museum activities. The Museum Director shall employ, subject to the Civil Service Law and the approval of the Maine State Museum Commission, such assistants as may be necessary to carry out the purposes of this chapter. The Museum Director shall adopt a seal for use in the official business of the museum. The director, with the approval of the commission, may initiate a membership program to benefit the museum; [PL 1991, c. 780, Pt. M, §1 (AMD).]

3. Rules. To promulgate such rules as necessary to effectuate the purposes of this chapter. No unreasonable restrictions or limitations shall be imposed on the use of museum records or objects that are defined by law as records or objects open to public inspection. With the exception of matters concerning collections security and preservation, decisions made by the director concerning access, use and reproduction of museum collections may be appealed to the commission within 30 days for final determination by the commission; [PL 1987, c. 465, §2 (NEW).]

4. Solicitation and acceptance of gifts, grants, donations, bequests, endowments and membership fees. To solicit and accept gifts, grants, donations, bequests, endowments and membership fees for purposes consistent with the purposes of this chapter. Any funds, if given as an endowment or trust, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. All gifts, grants, donations, bequests and proceeds of endowment funds must be used solely to carry out the purposes for which they were made; [PL 2011, c. 151, §1 (AMD).]

5. Biennial report. [PL 1989, c. 700, Pt. B, §22 (RP).]

6. General. To carry out the policies and directives of the Maine State Museum Commission; [PL 1987, c. 465, §2 (NEW).]

7. Collection. To institute and maintain a program of systematic collection in the several fields of museum activity with particular emphasis on those fields relating to this State; [PL 1987, c. 465, §2 (NEW).]

8. Preservation and restoration. To preserve, identify, catalogue, document and safeguard the collections of the museum; [PL 1987, c. 465, §2 (NEW).]

9. Research and publications. To carry on research to increase knowledge in the several fields of museum activity and to provide interpretive and information services, including the dissemination and recording of information gathered through research. Protection through copyright law may be obtained; [PL 1987, c. 465, §2 (NEW).]

10. Information. To provide reference services to individuals and local historical, natural history, scientific and other groups and societies interested in museum activities; [PL 1987, c. 465, §2 (NEW).]

11. Exhibitions. To exhibit the collections of the museum, including permanent and temporary exhibits, and to provide a loan service for films, artifacts, specimens and other exhibits of the museum to such persons, groups and schools and under such terms and conditions as determined by the director; [PL 1987, c. 465, §2 (NEW).]

12. Services. To provide ancillary museum services such as operation of a museum library, consultation concerning museum activities, sale of publications, provision of speakers, participation in special events and any other activities which will promote the effectiveness of the museum. [PL 1987, c. 465, §2 (NEW).]

13. Educational stipends. To provide educational field school opportunities in concert with archaeological and conservation projects by providing educational stipends from funds secured from nongeneral fund sources. [PL 1987, c. 465, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 465, §2 (NEW). PL 1989, c. 700, §§B21,22 (AMD). PL 1991, c. 780, §§M1,2 (AMD). PL 1999, c. 452, §1 (AMD). PL 2011, c. 151, §1 (AMD).

§86. Acquisition, ownership and disposition of property and size and storage of collection

1. Acquisition. The Maine State Museum is authorized to solicit and accept donations of property for the sole use of the museum as long as the donations are of a nature to carry out and promote the purposes of this chapter. The Maine State Museum may purchase works of art, artifacts and specimens for the enrichment of the collections from funds provided in the budget, secured from private donations or bequests or generated from the disposition of deaccessioned items. [PL 2011, c. 151, §2 (AMD).]

2. Ownership. The museum shall hold its collections and property for the State and shall not sell, mortgage, transfer or dispose of in any manner, except as provided under this section or other authority of law. [PL 1985, c. 763, Pt. A, §77 (AMD).]

3. Disposition. Notwithstanding any contrary provisions of law, the museum may sell or exchange any duplicates or other property determined to be unnecessary which the museum may have or obtain, and may transfer to other institutions of the State property not deemed applicable or necessary for the purposes of the museum. Funds generated by the disposition of artifacts shall be deposited into a revolving fund to be used exclusively for the increase and care of museum collections, including the purchase of other artifacts, specimens or works of art, or the conservation and preservation of state collections. Disposition of property may be through return of property to the original donor, as deemed appropriate by the Maine State Museum Commission. [PL 1985, c. 763, Pt. A, §77 (AMD).]

4. Property of existing museum to be transferred. [PL 1973, c. 625, §173 (RP).]

5. Size and storage of collections. The Maine State Museum shall endeavor to continually upgrade the scope and quality of the collections. New acquisitions are to be sought to fulfill this objective. In order to refine existing holdings the museum shall also maintain an on-going program of artifact disposition permitting the improvement of collections within a finite storage space available for them. [PL 1985, c. 763, Pt. A, §77 (NEW).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1973, c. 625, §173 (AMD). PL 1985, c. 763, §A77 (AMD). PL 2011, c. 151, §2 (AMD).

§86-A. Historical materials

The Maine State Museum holds title, as trustee for the State, to all historical materials, other than documents or other library or archival items under the administrative jurisdiction of the Maine State Library or the Maine State Archives, that are or may become the property of the State and are or may be housed in the public buildings of the State. These historical materials include the banners and flags presently housed in the State House Hall of Flags and may include, but are not restricted to, paintings, sculptures and other works of art dealing with historic subjects or executed by historically significant artists; flags, banners, insignia, medals, firearms, edged weapons, uniforms and other accoutrements relating to Maine military personnel or units; furnishings, utensils, implements, tools, machinery and other devices having particular historical significance to the State. The State Capitol Building is in the jurisdiction of the State House and Capitol Park Commission. [PL 1993, c. 361, Pt. A, §3 (AMD).]

Historical materials as described herein which are directly connected with areas under the jurisdiction of the State Park and Recreation Commission shall be exempt from this section. [PL 1971, c. 401, §1 (NEW).]

The State Museum shall protect, preserve and interpret such materials which may be placed under its trusteeship in accordance with this chapter. [PL 1971, c. 401, §1 (NEW).]

SECTION HISTORY

PL 1971, c. 401, §1 (NEW). PL 1987, c. 816, §EE6 (AMD). PL 1993, c. 361, §A3 (AMD).

§86-B. Confidentiality of certain research and personal information

1. Draft research and materials. Museum draft research, publications and exhibit materials, including scientific, archaeological and historical findings, are confidential and not public records for the purposes of Title 1, chapter 13, subchapter 1 until complete and presented to the public. The Museum Director may authorize disclosure before publication or presentation to the public. [PL 2013, c. 205, §1 (NEW).]

2. Personal history research and materials. Personal information contained in any record about the individual that is obtained by the Maine State Museum in the course of a historical research project is confidential and not a public record for the purposes of Title 1, chapter 13, subchapter 1 until:

A. The individual authorizes the release of the personal information as a public record; or [PL 2013, c. 205, §1 (NEW).]

B. The death of the individual, except that the Museum Director may, at the request of the individual, designate in writing that personal information about the individual remain confidential for a specified period, not to exceed 25 years after the death of the individual, to protect the privacy of the individual or the privacy of the parent or child of the individual. [PL 2013, c. 205, §1 (NEW).]

[PL 2013, c. 205, §1 (NEW).]

For the purposes of this section, "personal information" means any information about an individual's personal history, including, but not limited to, medical, psychiatric, employment, counseling and other information of a personal or private nature. [PL 2013, c. 205, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 205, §1 (NEW).

§87. Assistance from other state agencies

The heads of the various state departments, agencies and institutions are authorized to consult with the Maine State Museum upon request concerning any aspect of museum operations. The Maine Arts Commission shall furnish the Maine State Museum Commission with such assistance as necessary to administer section 86-A. [PL 1985, c. 763, Pt. A, §78 (AMD).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1971, c. 485, §1 (AMD). PL 1985, c. 763, §A78 (AMD).

§88. Federal funds

The museum through its commission and director may be an official agency of the State to receive and disburse any funds made available by the Federal Government for programs related to the purposes of the museum. [PL 1971, c. 544, §84 (NEW).]

SECTION HISTORY

PL 1971, c. 544, §84 (NEW).

§89. Publication fund

(REPEALED)

SECTION HISTORY

PL 1971, c. 544, §84 (NEW). PL 1987, c. 465, §3 (AMD). PL 1991, c. 780, §M3 (AMD). PL 2005, c. 386, §M1 (RP).

§89-A. Museum sales program and publishing endowment

1. Revolving fund. There is established within the Maine State Museum a revolving fund for the use of the museum to cover the operation of the museum sales program. The Museum Director is authorized to purchase, establish the price of, sell and restock through the museum sales program publications, reproductions, handcrafts, prints and paintings, gifts and decorative items, paper products, education materials, hobbyist materials and other items that relate to the museum's mission and programs. Income from the sale of these materials must be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of this subsection and subsection 2. [PL 2005, c. 386, Pt. M, §2 (NEW).]

2. Maine State Museum Endowment for Publishing. The Maine State Museum Endowment for Publishing is established. On an annual basis, a percentage of the proceeds from the museum sales program's revolving fund established in subsection 1 may be deposited in the Maine State Museum Endowment for Publishing to be invested by the Treasurer of State according to the laws governing the investment of trust funds. The percentage deposited must be determined by the Museum Director and approved by the Maine State Museum Commission after the director ensures that the funds remaining in the revolving fund are sufficient to sustain the museum sales program in a fiscally sound manner.

As determined by the Museum Director, the endowment's principal and interest may be used periodically to fund all or part of the costs of preparation, design and printing of museum publications that will be sold or distributed through the museum sales program.

Private donations or grant funds to support the museum's publishing program may also be deposited into the endowment established in this subsection.

[PL 2005, c. 386, Pt. M, §2 (NEW).]

SECTION HISTORY

PL 2005, c. 386, §M2 (NEW).

§90. Conservation fund

1. Revolving fund. There is established within the Maine State Museum a revolving fund for conservation, within the Maine State Museum Conservation Center, of objects which are of significance to the cultural and environmental heritage of Maine for which a charge is made. [PL 1975, c. 746, §25 (NEW).]

2. Prices and rates. The director is authorized to establish such prices, fees or rates for materials or services provided by the Conservation Center as may be appropriate to assure maintenance of the fund and continuation of conservation activities.

[PL 1975, c. 746, §25 (NEW).]

3. Income. Income received from such fees for services or materials, or through contributions, allocations, grants or bequests from private, corporate, institutional and governmental sources for this purpose, shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of subsection 1.

[PL 1975, c. 746, §25 (NEW).]

SECTION HISTORY

PL 1975, c. 746, §25 (NEW).

§90-A. Reproductions of museum collections

1. Authorization. The Maine State Museum may enter into licensing or similar arrangements for reproductions of selected items from the museum collections.

[PL 1987, c. 465, §4 (NEW).]

2. Fees; royalties. Income received from those arrangements, including the sale of reproductions directly or indirectly through vendor arrangements, shall be credited to the General Fund.

[PL 1987, c. 465, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 465, §4 (NEW).

SUBCHAPTER 2

ACCEPTANCE OF WORKS OF ART FROM ESTATES

§91. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 526, §2 (NEW).]

1. Commission. "Commission" means the Maine State Museum Commission.

[PL 1979, c. 526, §2 (NEW).]

2. Work of art. "Work of art" includes any painting, portrait, mural, decoration, stained glass, statue, tablet, bas-relief, ornament, fountain or other article or structure of a permanent character intended for decoration or commemoration, and any historical material defined in section 86-A.

[PL 1979, c. 526, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 526, §2 (NEW).

§92. Payment of inheritance and estate tax in works of art

A decedent's estate may pay all or part of any tax owed by the decedent's estate to the State by payment in the form of one or more works of art, subject to section 93. An executor, administrator or trustee shall follow the procedure set out in section 93 to make payment in works of art taken from the decedent's estate: [PL 1979, c. 526, §2 (NEW).]

1. Decedent directs. If the decedent has so directed by a will; or

[PL 1979, c. 526, §2 (NEW).]

2. Executor, administrator or trustee finds advantage. In the absence of a direction in the decedent's will, if the executor, administrator or trustee finds that this method of payment is advantageous to the estate.

[PL 1979, c. 526, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 526, §2 (NEW).

§93. Procedure for payment in works of art

1. Selection. The executor, administrator or trustee of any estate, desiring to pay all or part of an estate tax or inheritance tax owed the State in one or more works of art, shall notify the commission of his desire to do so. The commission shall, within a reasonable period of time and after consulting with the Maine Arts Commission, notify the executor, administrator or trustee, and the State Tax Assessor, as to whether, in the judgment of the commission, it would be advantageous to the State to accept one or more works of art as payment for the estate or inheritance tax. The commission's decision shall be final and nonappealable.

Acceptance of a work of art is advantageous to the State if its acceptance:

- A. Encourages the preservation of original or noteworthy works of art; [PL 1979, c. 526, §2 (NEW).]
- B. Furthers the preservation and understanding of fine arts traditions which have existed in Maine; [PL 1979, c. 526, §2 (NEW).]
- C. Furthers the understanding of the fine arts by the people of Maine; or [PL 1979, c. 526, §2 (NEW).]
- D. Aids in establishment of important state collections of works of art. [PL 1979, c. 526, §2 (NEW).]

[PL 1985, c. 763, Pt. A, §79 (AMD).]

2. Agreement on valuation. If the commission finds that it would be advantageous for the State to accept payment in one or more works of art as payment for the estate or inheritance tax, the commission and the executor, administrator or trustee shall, as a condition of state acceptance of this method of payment, mutually agree in writing on the current market value at the time of the decedent's death of each work of art proposed to be accepted. Upon agreement, the commission shall forward a copy of the proposed valuation to the State Tax Assessor, who shall have 45 days from the date of notification to object to that valuation.

If the State Tax Assessor objects, he shall set forth his objection in writing and forward that objection to the commission and to the executor, administrator or trustee, who may, taking into account the State Tax Assessor's objections, submit a new agreed upon valuation for his approval. If the State Tax Assessor rejects this new valuation within 45 days of its submission, the State shall be deemed not to accept the proposed method of payment in works of art.

[PL 1979, c. 526, §2 (NEW).]

3. Acceptance. If the State Tax Assessor does not object to a submitted valuation of a work of art within 45 days of its submission, the State shall be deemed to have accepted the work of art as complete or partial payment of the estate or inheritance tax owed, and the commission shall assume title to that work of art as soon as practicable.

[PL 1979, c. 526, §2 (NEW).]

4. Credit against tax. Upon the assumption of title to a work of art by the commission, the State Tax Assessor shall credit, against the amount owed by the estate, the valuation of that work of art as agreed upon under subsection 2. In no case shall any credit allowed by this subsection be greater than the amount of estate or inheritance tax owed by the decedent's estate.

[PL 1979, c. 526, §2 (NEW).]

5. Limitation on aggregate value of works of art accepted during one fiscal year. The commission shall not, during any fiscal year, assume title to works of art which have an aggregate value of more than \$100,000, unless:

A. The State Budget Officer, on application from the commission and in extraordinary circumstances, permits the commission to exceed that limit; or [PL 1979, c. 526, §2 (NEW).]

B. The commission transfers into the General Fund, not later than the end of the next fiscal year, revenue equalling or exceeding the amount by which the commission has exceeded that limit. [PL 1979, c. 526, §2 (NEW).]

[PL 1979, c. 526, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 526, §2 (NEW). PL 1985, c. 763, §A79 (AMD).

SUBCHAPTER 3

CONSERVATION AND PRESERVATION

§94. Definitions

(REALLOCATED TO TITLE 27, SECTION 71)

SECTION HISTORY

PL 1985, c. 754, §1 (NEW). PL 2003, c. 688, §A29 (RAL).

§95. Annual appropriation

(REALLOCATED TO TITLE 27, SECTION 72)

SECTION HISTORY

PL 1985, c. 754, §1 (NEW). PL 1989, c. 700, §B23 (AMD). PL 2003, c. 688, §A30 (RAL).

CHAPTER 3

PUBLIC LIBRARIES

§101. Free public libraries established in towns

Any town may establish a free public library therein for the use of its inhabitants and provide suitable rooms therefor under such regulation for its government as the inhabitants from time to time prescribe, and may levy and assess a tax and make appropriation therefrom for the foundation and commencement of such library and for its maintenance and increase annually. Any town in which there is a public library may establish and maintain under the same general management and control such branches of the same as the convenience and wants of its citizens seem to demand.

§102. Free public libraries established in village corporations

Any village corporation located in a town where no free library exists may establish a library within its limits for the free use of all its inhabitants and may levy and assess a corporate tax and make appropriation therefrom for its maintenance and increase annually. Village libraries established under this section shall be subject to all the duties and entitled to all the privileges prescribed by the laws relating to free public libraries in towns.

§103. Free use of library in adjoining towns authorized

Any municipality may raise and appropriate annually a sum of money for the purpose of securing to its inhabitants free use of a library located in an adjoining municipality.

§104. Towns uniting for libraries

Two or more towns may unite in establishing and maintaining a free public library with branches thereof in each town for the free use of all the inhabitants of said towns and may each raise and make appropriation for that purpose annually. Such towns shall be subject to all duties and entitled to all the benefits prescribed by the laws relating to free libraries.

§105. State aid for municipalities maintaining free public libraries

(REPEALED)

SECTION HISTORY

PL 2003, c. 20, §01 (RP).

§106. Libraries controlled by associations assisted by towns

Any town or city in which there is a library owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from that library the free use of its books for all the inhabitants of the town or city, under those restrictions and regulations necessary to ensure the safety and good usage of the books. [PL 2003, c. 20, Pt. O, §2 (AMD).]

SECTION HISTORY

PL 2003, c. 20, §02 (AMD).

§107. Custody of public documents; list of books purchased

(REPEALED)

SECTION HISTORY

PL 2003, c. 20, §03 (RP).

§108. Donation of books and gifts for foundation of library

(REPEALED)

SECTION HISTORY

PL 2013, c. 82, §8 (RP).

§109. Gifts and devises to towns

Any town, as such, may receive, hold and manage devises, bequests or gifts for the establishment, increase or maintenance of a public library therein; and may accept by vote of the legal voters thereof any land or land and buildings thereon, to be used as a public library or art gallery, or both combined. When any plantation is incorporated into a town such gifts and the proceeds thereof fully vest in such town.

CHAPTER 4**REGIONAL LIBRARY SYSTEMS****§110. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 700, Pt. B, §24 (AMD).]

1. Appeals board. "Appeals board" means the Maine Library Commission acting, on request from interested citizens, as a board of review for decisions made concerning the State's library plan. [PL 1973, c. 626, §6 (NEW).]

2. Area reference and resource center. "Area reference and resource center" means a large public, school or academic library designated by the State Librarian and receiving state aid for the purposes of making its resources and services available without charge to all residents within a library region, of providing supplementary library services to local libraries within the library region and of coordinating the services of all local libraries within the library region that by contract become part of the library region. [PL 2019, c. 150, §2 (AMD).]

3. Common borrower's card. "Common borrower's card" means a system of personal identification for the purpose of borrowing and returning books and other materials from any library that participates in the regional system. [PL 1973, c. 626, §6 (NEW).]

4. Maine State Library consultant or specialist. "Maine State Library consultant or specialist" means an individual who acts as a general library consultant or specialist to one or more library regions. [PL 2019, c. 150, §3 (AMD).]

5. District council.
[PL 2019, c. 150, §4 (RP).]

6. District plan.
[PL 2019, c. 150, §5 (RP).]

7. Library region. "Library region" or "region" means a defined geographic area consisting of local libraries. Libraries from multiple regions may be joined cooperatively to an area reference and resource center and a research center. Local libraries within the library region may also be joined cooperatively with other types of libraries. [PL 2019, c. 150, §6 (AMD).]

8. Local library board. "Local library board" means the body which has the authority to give administrative direction or advice to a library through its librarian. [PL 1973, c. 626, §6 (NEW).]

9. Media center.
[PL 2019, c. 150, §7 (RP).]

9-A. Maine Library Advisory Council. "Maine Library Advisory Council" means an advisory body representing a constituency of participating libraries from all geographical library regions, as described in section 114-A. [PL 2019, c. 150, §8 (NEW).]

10. Public library. "Public library" means a library freely open to all persons and receives its financial support from a municipality, private association, corporation or group. The above serves the informational, educational and recreational needs of all the residents of the area for which its governing body is responsible. [PL 1973, c. 626, §6 (NEW).]

11. Regional library system. "Regional library system" means a network of library regions interrelated by formal or informal contract for the purpose of organizing library resources and services for research, information and recreation to improve statewide library service and to serve collectively the entire population of the State.

[PL 2019, c. 150, §9 (AMD).]

12. Research center. "Research center" means any library designated as such by the State Librarian and receiving state aid for the purposes of making its major research collections, under such rules and regulations as are defined by its governing board and head librarian, available to the residents of the State.

[PL 1989, c. 700, Pt. B, §25 (AMD).]

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 1977, c. 125, §1 (AMD). PL 1981, c. 464, §29 (AMD). PL 1989, c. 700, §§B24,25 (AMD). RR 1991, c. 2, §101 (COR). PL 2019, c. 150, §§2-9 (AMD).

§111. Regional library development

1. Maine Library Commission. There is created the Maine Library Commission, as established by Title 5, section 12004-G, subsection 7-E, which consists of 15 members appointed by the Governor. The commission membership must be broadly representative of the State's libraries and ensure geographic diversity and broad individual experiences and consist of the following:

- A. Two members representing public libraries; [PL 2019, c. 150, §10 (NEW).]
- B. Two members representing kindergarten to grade 12 libraries; [PL 2019, c. 150, §10 (NEW).]
- C. One member representing a large university library; [PL 2019, c. 150, §10 (NEW).]
- D. One member representing a small college library; [PL 2019, c. 150, §10 (NEW).]
- E. One member representing a community college library; [PL 2019, c. 150, §10 (NEW).]
- F. One member representing a special or institution library; [PL 2019, c. 150, §10 (NEW).]
- G. One member representing persons with disabilities; [PL 2019, c. 150, §10 (NEW).]
- H. One member serving as a trustee for a library in the State; [PL 2019, c. 150, §10 (NEW).]
- I. One member of the Maine Library Advisory Council pursuant to section 114-A, subsection 1; [PL 2019, c. 150, §10 (NEW).]
- J. One member representing underserved and rural communities; [PL 2019, c. 150, §10 (NEW).]
- K. One member representing a Native American community; and [PL 2019, c. 150, §10 (NEW).]
- L. Two at-large members. [PL 2019, c. 150, §10 (NEW).]

The term of each appointed member is 3 years or until a successor is appointed and qualified. A member may not serve more than 2 successive terms. In the case of a vacancy other than the expiration of a term, the appointment of a successor must 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 are compensated according to the provisions of Title 5, chapter 379.

[PL 2019, c. 150, §10 (RPR).]

2. Rules. The Maine Library Commission may adopt rules to carry out its responsibilities under this Title. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 2, §1 (NEW).]

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 1983, c. 245 (AMD). PL 1983, c. 812, §168 (AMD). PL 1989, c. 503, §B114 (AMD). PL 1989, c. 700, §B26 (AMD). PL 1993, c. 349, §57 (AMD). PL 2009, c. 2, §1 (AMD). PL 2019, c. 150, §10 (AMD).

§112. -- functions

The library commission shall: [PL 1973, c. 626, §6 (NEW).]

1. Appointment of State Librarian. Appoint the State Librarian. 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 cause. The commission shall fix compensation for the State Librarian within salary range 88;

[PL 1991, c. 528, Pt. E, §31 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §31 (AMD).]

2. Policies. Establish the policies and operations of the Maine State Library and the State's library program including minimum standards of library service, the apportionment of state aid to libraries, the designation of library regions and their boundaries, the endorsement of the designation of area reference and resource centers and the designation of research centers after full consideration of the advice of the State Librarian;

[PL 2019, c. 150, §11 (AMD).]

3. Review. Act, on written request by any interested library, as an appeals board concerning decisions of the State Librarian regarding the items in subsection 2. The written request for a hearing must be filed within 30 days from the date of the decision; and

[RR 1991, c. 2, §102 (COR).]

4. Federal program. Serve as the State Advisory Council on Libraries and in that capacity give advice and make recommendations to the State Librarian with regard to the administration of federal funds, in accordance with the terms thereof, which may now or in the future become available for library purposes.

[PL 1989, c. 700, Pt. B, §28 (AMD).]

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 1977, c. 125, §2 (AMD). PL 1989, c. 700, §§B27,28 (AMD). RR 1991, c. 2, §102 (COR). PL 1991, c. 528, §E31 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E31 (AMD). PL 2019, c. 150, §11 (AMD).

§113. Library regions

The Maine Library Commission shall divide the State into as many regions as the commission determines are required and shall establish or modify the geographical boundaries of each region. [PL 2019, c. 150, §12 (AMD).]

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 1989, c. 700, §B29 (RPR). PL 2019, c. 150, §12 (AMD).

§114. District council

(REPEALED)

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 1977, c. 125, §§3,4 (AMD). PL 1981, c. 464, §30 (AMD). PL 2019, c. 150, §13 (RP).

§114-A. Maine Library Advisory Council

There is created the Maine Library Advisory Council, as established in Title 5, section 12004-I, subsection 5-D and referred to in this section as "the council." [PL 2019, c. 150, §14 (NEW).]

1. Membership. The council consists of one member from each established library region appointed in accordance with the council's bylaws. An additional member is appointed by the Governor to serve as a liaison with the Maine Library Commission pursuant to section 111, subsection 1, paragraph I. The council shall elect from its membership officers as appropriate. The council shall meet at least 4 times a year.

[PL 2019, c. 150, §14 (NEW).]

2. Duties. The council shall:

A. Serve as an advisory body for the regions; [PL 2019, c. 150, §14 (NEW).]

B. Evaluate library services in all regions in order to advise the Maine State Library and the Maine Library Commission regarding services that encourage cooperative activity among all types of libraries; [PL 2019, c. 150, §14 (NEW).]

C. Provide liaison services among all local libraries in a region; [PL 2019, c. 150, §14 (NEW).]

D. Make recommendations to Maine State Library staff and the Maine Library Commission regarding programs and services that help to make libraries accessible to all; and [PL 2019, c. 150, §14 (NEW).]

E. Advise the State Librarian on the need for and the designation of area reference and resource centers and research centers in any region. [PL 2019, c. 150, §14 (NEW).]

[PL 2019, c. 150, §14 (NEW).]

SECTION HISTORY

PL 2019, c. 150, §14 (NEW).

§115. Area reference and resource centers

Each library region must be affiliated with an area reference and resource center designated by the State Librarian. [PL 2019, c. 150, §15 (AMD).]

1. Duties. An area reference and resource center may:

A. Provide a common borrower's card for libraries and residents within library regions, as determined through contractual arrangements between the Maine State Library and the area reference and resource center; [PL 2019, c. 150, §15 (AMD).]

B. Participate with the Maine State Library consultant or specialist in planning and conducting workshops on community-library planning; [PL 2019, c. 150, §15 (AMD).]

C. Provide office space and support services to the extent able to the Maine State Library consultant or specialist; and [PL 2019, c. 150, §15 (AMD).]

D. [PL 2019, c. 150, §15 (RP).]

E. Provide other cooperative activities and services as libraries may need or require. [PL 2019, c. 150, §15 (AMD).]

[PL 2019, c. 150, §15 (AMD).]

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 1989, c. 700, §§B30,31 (AMD). PL 2019, c. 150, §15 (AMD).

§116. Research centers

Research centers may be designated by the State Librarian with the advice of the Maine Library Commission. [PL 2013, c. 82, §9 (AMD).]

1. Duties. The research center shall:

A. Provide for advanced research needs; [PL 1973, c. 626, §6 (NEW).]

B. Act as a back-up collection for the specialized reference needs of the reference and resource centers; [PL 1973, c. 626, §6 (NEW).]

C. Provide such other cooperative activities and services as libraries may need or require. [PL 2019, c. 150, §16 (AMD).]
[PL 2019, c. 150, §16 (AMD).]

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 2013, c. 82, §9 (AMD). PL 2019, c. 150, §16 (AMD).

§117. Maine State Library consultants or specialists

Staff of the Maine State Library holding the position of consultant or specialist shall provide consulting or specialist services to libraries in all library regions. The State Librarian, with the advice of the Maine Library Advisory Council, shall appoint a staff member holding the position of consultant or specialist to serve as a primary point of contact or liaison to one or more library regions. [PL 2019, c. 150, §17 (AMD).]

I. Duties. A Maine State Library consultant or specialist shall:

A. [PL 2019, c. 150, §17 (RP).]

B. Study the needs of the library region or regions and make recommendations to the Maine Library Advisory Council; [PL 2019, c. 150, §17 (AMD).]

C. Coordinate services among libraries of all types; [PL 1973, c. 626, §6 (NEW).]

D. Provide liaison between the library region or regions and the Maine State Library; [PL 2019, c. 150, §17 (AMD).]

E. Encourage local initiative and commitment to regional cooperative library service; and [PL 2019, c. 150, §17 (AMD).]

F. Work with area reference and resource center staff members in planning area reference and interlibrary loan service. [PL 2019, c. 150, §17 (AMD).]

G. [PL 2019, c. 150, §17 (RP).]
[PL 2019, c. 150, §17 (AMD).]

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 1977, c. 125, §§5,6 (AMD). PL 1981, c. 464, §§31-33 (AMD). PL 2013, c. 82, §10 (AMD). PL 2019, c. 150, §17 (AMD).

§118. School libraries

Any school library in a community with no public library service, or serving communities with no public libraries, that agrees to offer service as a public library is entitled to all the benefits accruing to a public library with the approval of the State Librarian. [PL 2019, c. 150, §18 (AMD).]

SECTION HISTORY

PL 1973, c. 626, §6 (NEW). PL 1989, c. 700, §B32 (AMD). PL 2019, c. 150, §18 (AMD).

§119. Distribution of appropriations

The State Librarian is authorized to apportion funds appropriated by the Legislature for the support of regional library systems. [PL 2013, c. 82, §11 (AMD).]

SECTION HISTORY

PL 1977, c. 125, §7 (NEW). PL 1977, c. 555, §1 (NEW). PL 1977, c. 564, §100 (RPR). PL 1977, c. 690, §15 (RPR). PL 1989, c. 700, §B33 (AMD). PL 2013, c. 82, §11 (AMD).

CHAPTER 4-A

LIBRARY RECORDS

§121. Confidentiality of library records

1. Confidentiality. A record maintained by any public library, as defined in section 110, subsection 10, the Maine State Library, the Law and Legislative Reference Library or a library of the University of Maine System, the Maine Community College System or the Maine Maritime Academy is confidential if the record contains:

A. A library patron's personally identifying information, including but not limited to the library patron's name, address, phone number and e-mail address; or [PL 2015, c. 81, §1 (NEW).]

B. Information that identifies a library patron as having requested, obtained or used books or other materials in any medium at the library or provided by the library. [PL 2015, c. 81, §1 (NEW).]
[PL 2015, c. 81, §1 (NEW).]

2. Permitted release. A record designated confidential by subsection 1 may be released only with the express written permission of the library patron involved; to officers, employees, volunteers and agents of the library to the extent necessary for library administrative purposes; or as the result of a court order.

[PL 2015, c. 81, §1 (NEW).]

3. Public record. A library may publish and release as a public record aggregated and statistical information pertaining to library patronage, circulation activities and use of any service or consultation the library provides as long as the release of the information does not jeopardize the confidentiality of a library patron's personally identifying information.

[PL 2015, c. 81, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 208 (NEW). PL 1991, c. 67 (AMD). PL 1997, c. 146, §1 (AMD). PL 1997, c. 146, §2 (AFF). PL 2007, c. 67, §5 (AMD). PL 2013, c. 82, §12 (AMD). PL 2015, c. 81, §1 (RPR).

CHAPTER 5

INTERSTATE LIBRARY COMPACT

SUBCHAPTER 1

COMPACT

§141. Policy and purpose -- Article I

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

§142. Definitions -- Article II

As used in this compact:

"Public library agency" means any unit or agency of local or State Government operating or having power to operate a library.

"Private library agency" means any non-governmental entity which operates or assumes a legal obligation to operate a library.

"Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

§143. Interstate library districts -- Article III

1. Interstate library districts. Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

2. Joint undertakings. Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

3. Powers. If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

A. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

B. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

C. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

D. Employ professional, technical, clerical and other personnel and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.

E. Sue and be sued in any court of competent jurisdiction.

F. Acquire, hold and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

G. Construct, maintain and operate a library, including any appropriate branches thereof.

H. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

§144. -- governing board -- Article IV

1. Governing board. An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

2. Representation. Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

§145. State library agency cooperation -- Article V

Any 2 or more state library agencies of 2 or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

§146. Library agreements -- Article VI

1. Library agreements. In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

- A. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.
- B. Provide for the allocation of costs and other financial responsibilities.
- C. Specify the respective rights, duties, obligations and liabilities of the parties.
- D. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

2. Prohibited powers. No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

3. Effective date of agreement. No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

§147. Approval of library agreements -- Article VII

1. Approval of attorney general. Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law.

Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

2. Approved by others. In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the State Government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to subsection 1 of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

§148. Other laws applicable -- Article VIII

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

§149. Appropriations and aid -- Article IX

1. Funds. Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

2. State and federal aid. Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

§150. Compact administrator -- Article X

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

§151. Entry into force and withdrawal -- Article XI

1. Force and effect. This compact shall enter into force and effect immediately upon its enactment into law by any 2 states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

2. Withdrawal. This compact shall continue in force with respect to a party state and remain binding upon such state until 6 months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

§152. Construction and severability -- Article XII

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall

not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

SUBCHAPTER 2

PROVISIONS RELATING TO COMPACT

§181. Ratification

The Interstate Library Compact is enacted into law and entered into by this State with all states legally joining therein in the form substantially as provided in this chapter.

§182. Library agreements by municipalities

No municipality of this State shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subsection 3, paragraph G, of this compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except after compliance with any laws applicable to such municipalities relating to or governing capital outlays and the pledging of credit.

§183. State library agency

As used in the compact, "state library agency," with reference to this State, means the Maine State Library.

§184. Interstate library district

An interstate library district lying partly within this State may claim and be entitled to receive state aid in support of any of its functions to the same extent and in the same manner as such functions are eligible for support when carried on by entities wholly within this State. For the purposes of computing and apportioning state aid to an interstate library district, this State will consider what portion of the area which lies within this State as an independent entity for the performance of the aided function or functions and compute and apportion the aid accordingly. Subject to any applicable laws of this State, such a district may apply for and be entitled to receive any federal aid for which it may be eligible.

§185. Compact administrator

The State Librarian shall be the compact administrator pursuant to Article X of the compact. The deputy state librarian shall be deputy compact administrator pursuant to said article.

§186. Renunciation

In the event of withdrawal from the compact, the Governor shall send and receive any notices required by Article XI, subsection 2, of the compact.

CHAPTER 7

COUNTY LAW LIBRARIES

§221. Formation; officers; regulations

(REPEALED)

SECTION HISTORY

PL 1981, c. 510, §2 (RP).

§222. Duties of treasurer and clerk

(REPEALED)

SECTION HISTORY

PL 1975, c. 383, §23 (AMD). PL 1975, c. 408, §36 (AMD). PL 1975, c. 735, §19 (AMD). PL 1981, c. 510, §2 (RP).

§223. Amounts of treasurer**(REPEALED)**

SECTION HISTORY

PL 1981, c. 510, §2 (RP).

§224. Payments for use and benefit**(REPEALED)**

SECTION HISTORY

PL 1965, c. 55 (AMD). PL 1965, c. 85 (AMD). PL 1965, c. 93 (AMD). PL 1965, c. 160 (AMD). PL 1967, c. 260 (AMD). PL 1969, c. 406 (AMD). PL 1971, c. 255 (RPR). PL 1973, c. 540, §4 (AMD). PL 1975, c. 120 (AMD). PL 1975, c. 383, §§24,30 (AMD). PL 1975, c. 408, §37 (AMD). PL 1975, c. 735, §20 (AMD). PL 1975, c. 770, §126 (AMD). PL 1981, c. 510, §2 (RP).

CHAPTER 9**STATE HISTORIAN****§261. Appointment**

The Governor shall appoint the State Historian. 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. Reappointment is permitted. [PL 1999, c. 706, §5 (RPR).]

SECTION HISTORY

PL 1975, c. 771, §292 (AMD). PL 1999, c. 706, §5 (RPR).

§262. Publication of town history**(REPEALED)**

SECTION HISTORY

PL 1999, c. 706, §6 (RP).

§263. Board to compile history**(REPEALED)**

SECTION HISTORY

PL 1999, c. 706, §6 (RP).

§264. State aid for towns publishing history**(REPEALED)**

SECTION HISTORY

PL 1999, c. 706, §6 (RP).

§265. Marking of historical sites

(REPEALED)

SECTION HISTORY

PL 1999, c. 706, §6 (RP).

§266. Names for memorial bridges and highways

(REPEALED)

SECTION HISTORY

PL 1999, c. 706, §6 (RP).

§267. Expenses

The actual cash expenses of the State Historian incurred while in the discharge of official duties, including any sum necessarily contracted by the State Historian for clerical assistance, must be paid from the State Treasury but may not exceed \$3,500 a year. Any portion of said amount may be expended by the State Historian, under the direction of the Governor, in the publication of historical matter and data relating to the history of the State. Funding for the activities of the State Historian must be appropriated to the Maine Historic Preservation Commission. [PL 2019, c. 343, Pt. XX, §1 (AMD).]

SECTION HISTORY

PL 1969, c. 318, §2 (AMD). PL 1975, c. 771, §293 (AMD). PL 2001, c. 439, §O1 (AMD). PL 2019, c. 343, Pt. XX, §1 (AMD).

§268. Duties

The duties of the State Historian are: [PL 1999, c. 706, §7 (NEW).]

1. History and heritage. To enhance the knowledge of Maine citizens of the State's history and heritage;

[PL 1999, c. 706, §7 (NEW).]

2. Teaching of history. To encourage the teaching of Maine history in the public schools;

[PL 1999, c. 706, §7 (NEW).]

3. Consult. To serve as consultant to the Governor and Legislature on matters pertaining to Maine history;

[PL 1999, c. 706, §7 (NEW).]

4. Lecture. To lecture on topics of Maine history within the historian's area of expertise as determined appropriate by the State Historian;

[PL 1999, c. 706, §7 (NEW).]

5. Respond to inquiries. To respond to inquiries about the existence and location of documents, artifacts and other materials of Maine history; and

[PL 1999, c. 706, §7 (NEW).]

6. Report. To report to the joint standing committee of the Legislature having jurisdiction over cultural affairs during the first regular session of each legislative biennium.

[PL 1999, c. 706, §7 (NEW).]

SECTION HISTORY

PL 1999, c. 706, §7 (NEW).

CHAPTER 10

STATE ARCHIVIST

§274. Short title

(REPEALED)

SECTION HISTORY

PL 1969, c. 318, §3 (NEW). PL 1973, c. 625, §174 (RP).

§275. Declaration of policy

(REPEALED)

SECTION HISTORY

PL 1965, c. 441, §1 (NEW). PL 1973, c. 625, §174 (RP).

§275-A. Definitions

(REPEALED)

SECTION HISTORY

PL 1973, c. 28, §3 (NEW). PL 1973, c. 625, §175 (RP).

§276. State Archivist

(REPEALED)

SECTION HISTORY

PL 1965, c. 441, §1 (NEW). PL 1969, c. 318, §4 (RPR). PL 1971, c. 596, §1 (AMD). PL 1973, c. 625, §174 (RP).

§277. Maine State Archives

(REPEALED)

SECTION HISTORY

PL 1965, c. 441, §1 (NEW). PL 1969, c. 318, §5 (AMD). PL 1971, c. 596, §§2,5 (AMD). PL 1973, c. 625, §174 (RP).

§278. Powers and duties of State Archivist

(REPEALED)

SECTION HISTORY

PL 1965, c. 441, §1 (NEW). PL 1969, c. 318, §§6,7 (AMD). PL 1971, c. 596, §§3,5 (AMD). PL 1971, c. 622, §§88-A (AMD). PL 1973, c. 28, §§4-9 (AMD). PL 1973, c. 625, §174 (RP). PL 1973, c. 625, §§177-182 (AMD). PL 1973, c. 625, §184 (AMD).

§279. Archives Advisory Board

(REPEALED)

SECTION HISTORY

PL 1965, c. 441, §1 (NEW). PL 1969, c. 318, §8 (AMD). PL 1973, c. 625, §174 (RP).

§280. Violation

(REPEALED)

SECTION HISTORY

PL 1973, c. 28, §10 (NEW). PL 1973, c. 625, §183 (RP).

CHAPTER 11

ART

§301. Commission**(REPEALED)**

SECTION HISTORY

PL 1971, c. 485, §3 (RP).

§302. Powers and duties**(REPEALED)**

SECTION HISTORY

PL 1967, c. 458, §2 (AMD). PL 1971, c. 485, §3 (RP).

§303. Preservation of works of art

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Artist" means the creator of the work of fine art. [PL 1985, c. 382 (NEW).]

B. "Conservation" means acts taken to correct deterioration and alteration and acts taken to prevent, stop or retard deterioration. [PL 1985, c. 382 (NEW).]

C. "Reproduction" means a copy, in any medium, of a work of fine art, that is displayed or published under circumstances that, reasonably construed, evinces an intent that it be taken as a representation of a work of fine art as created by the artist. [PL 1985, c. 382 (NEW).]

D. "Work of fine art" means any original work of visual or graphic art of any medium which includes, but is not limited to, painting, drawing, print, photographic print or sculpture of a limited edition of no more than 300 copies. "Work of fine art" does not include sequential imagery, such as that in motion pictures. [PL 1985, c. 382 (NEW).]

[PL 1985, c. 382 (NEW).]

2. Public display; publication and reproduction of works of fine art. Except as provided in subsection 4, no person, other than the artist or a person acting with the artist's consent, may knowingly display in a place accessible to the public or publish a work of fine art of that artist or a reproduction of a work of fine art of that artist in an altered, defaced, mutilated or modified form if the work is displayed, published or reproduced as being the work of the artist or under circumstances under which it would reasonably be regarded as being the work of the artist, and damage to the artist's reputation is reasonably likely to result from the display, publication or reproduction.

[PL 1985, c. 382 (NEW).]

3. Artist's authorship rights. Except as provided in subsection 4, the artist shall retain at all times the right to claim authorship or, for just and valid reason, to disclaim authorship of his work of fine art. The right to claim authorship is the right of the artist to have his name appear on or in connection with the work of fine art as the artist. The right to disclaim authorship is the right of the artist to prevent his name from appearing on or in connection with the work of fine art as the artist. Just and valid reason for disclaiming authorship includes the fact that the work of fine art has been altered, defaced, mutilated or modified other than by the artist, without the artist's consent, and damage to the artist's reputation is reasonably likely to result or has resulted. The rights created in this subsection exist in addition to any other rights available under law.

[PL 1985, c. 382 (NEW).]

4. Limitations of applicability. The following, in and of themselves, do not constitute a violation of subsection 2 or create a right to disclaim authorship pursuant to subsection 3:

A. Alteration, defacement, mutilation or modification of a work of fine art resulting from the passage of time or the inherent nature of the materials, provided that the alteration, defacement, mutilation or modification is not the result of gross negligence in maintaining or protecting the work of fine art; or [PL 1985, c. 382 (NEW).]

B. In the case of a reproduction, a change that is an ordinary result of the medium of reproduction. [PL 1985, c. 382 (NEW).]

Conservation is not an alteration, defacement, mutilation or modification within the meaning of this section, unless the conservation work can be shown to be grossly negligent.

This section does not apply to work prepared under contract for advertising or trade use, unless the contract so provides.

This section only applies to works of fine art knowingly displayed in a place accessible to the public, published or reproduced in this State.

[PL 1985, c. 382 (NEW).]

5. Relief. An artist aggrieved under subsection 2 or 3 or his personal representative shall have a cause of action for legal relief and injunctive relief as described in subsection 3. No action may be maintained to enforce any liability under this section unless brought within 3 years of the act complained of or one year after the artist or his personal representative discovered or reasonably should have discovered the act, whichever is longer.

[PL 1985, c. 382 (NEW).]

SECTION HISTORY

PL 1985, c. 382 (NEW).

CHAPTER 13

ARCHAEOLOGY

§361. Archaeological excavations

(REPEALED)

SECTION HISTORY

PL 1973, c. 460, §19 (AMD). PL 1981, c. 55, §1 (RP).

§362. State Museum; maintenance

(REPEALED)

SECTION HISTORY

PL 1965, c. 502, §2 (RP).

§363. Federal funds

(REPEALED)

SECTION HISTORY

PL 1969, c. 407 (NEW). PL 1971, c. 544, §85 (RP).

§364. Publication fund

(REPEALED)

SECTION HISTORY

PL 1969, c. 407 (NEW). PL 1971, c. 544, §85 (RP).

SUBCHAPTER 2

STATE-OWNED OBJECTS AND SPECIMENS

§371. Statement of policy

The Legislature, in recognizing the importance of Maine's cultural heritage of the distant past to our understanding of Maine's people, declares that it is the policy of this State to preserve and protect archaeological sites for proper excavation and interpretation. [PL 1981, c. 55, §2 (NEW).]

It is in the public interest to provide for the preservation and interpretation of archaeological artifacts and specimens for the benefit of the people of the State. In order to ensure proper preservation and interpretation of artifacts, specimens and materials which are found on, in or beneath state-controlled lands, it is in the public interest that a single state department be designated to hold title, as trustee for the State, to all such artifacts, specimens and materials, except as may be authorized by section 376. [PL 1981, c. 55, §2 (RPR).]

The State Museum is best qualified to assume that trusteeship by virtue of the fact that its facilities are intended to function primarily for the purpose of preserving and interpreting artifacts, specimens and materials as defined within this subchapter. [PL 1989, c. 700, Pt. A, §110 (AMD).]

SECTION HISTORY

PL 1969, c. 398 (NEW). PL 1981, c. 55, §2 (RPR). PL 1989, c. 700, §A110 (AMD).

§372. Legislative intent

1. Transference of custody. The several departments of the State are authorized to transfer any archaeological objects, materials or specimens in their possession to the custody and trusteeship of the State Museum.

[PL 1989, c. 700, Pt. A, §111 (AMD).]

2. Museum responsibility. The State designates the State Museum to hold title, as trustee for the State, to all archaeological objects, materials and specimens found on, in or beneath state-controlled lands. The State charges the State Museum with the responsibility of protecting, preserving and interpreting such objects, materials and specimens as may be placed under its trusteeship; preventing their defacement, damage, destruction or unauthorized removal; and ensuring their continued availability for scientific study by qualified persons, agencies or institutions.

[PL 1989, c. 700, Pt. A, §111 (AMD).]

3. Consultation with federally recognized Indian tribes. In recognition of the interests of the federally recognized Indian tribes in this State in their archaeological heritage and in accordance with the requirements of federal law, including the National Historic Preservation Act of 1996, as amended, and the federal Native American Graves Protection and Repatriation Act, the Maine Historic Preservation Commission and the State Museum shall consult with federally recognized Indian tribes in this State concerning adequate and appropriate curation of archaeological materials excavated from protected sites.

[PL 2013, c. 89, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 398 (NEW). PL 1981, c. 55, §3 (RPR). PL 1989, c. 700, §A111 (AMD). PL 2013, c. 89, §1 (AMD).

§373. Definitions**(REPEALED)**

SECTION HISTORY

PL 1969, c. 398 (NEW). PL 1981, c. 55, §4 (RP).

§373-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1981, c. 55, §5 (NEW).]

1. Artifact. "Artifact" means a physical entity which has been worked or modified by human action.

[PL 1981, c. 55, §5 (NEW).]

2. Authorized representative. "Authorized representative" means any official or group of officials employed by the permitors or other competent person authorized in writing by the permitors.

[PL 1981, c. 55, §5 (NEW).]

3. Excavation. "Excavation" means any turning over, removal or disturbance of the soil, artifact in the soil or ground matrix or recovery or disturbance of artifacts that are fully or partially submerged in the water and tidal sites. "Excavation" includes, but is not limited to, activities such as purposeful looting, material procurement, construction activities or vandalism. In the case of private property the term "excavation" on a site does not include activities associated with agriculture or forestry unless specifically provided for in the permit or the preservation agreement as defined in Title 33, section 1551, subsection 2.

[PL 1995, c. 146, §1 (AMD).]

3-A. Landowner. "Landowner" means any person, corporation, partnership, organization or other legal entity, including a municipality, county or other political subdivision of the State, an agency of the Federal Government and any quasi-governmental entity, which owns or controls a site.

[PL 1989, c. 171, §1 (NEW).]

4. Materials. "Materials" means 3-dimensional items, other than artifacts and specimens, and excludes books, papers, manuscripts and archival or library material commonly included in the display or research collection of museums.

[PL 1981, c. 55, §5 (NEW).]

5. Object. "Object" means any archaeological monument, artifact, relic or article.

[PL 1981, c. 55, §5 (NEW).]

6. Permitors. "Permitors" means the Director of the Maine Historic Preservation Commission and the Director of the State Museum as well as the director of any state department administering state-controlled lands, acting in concert in the review, approval and granting of permits.

[PL 1989, c. 700, Pt. A, §112 (AMD).]

7. Principal investigator. "Principal investigator" means the senior scientist in charge of an archaeological excavation.

[PL 1981, c. 55, §5 (NEW).]

7-A. Protected site. "Protected site" means a site that is:

A. On or under state-controlled land and is:

- (1) Listed in the National Register of Historic Places or judged eligible for national register listing by the Maine Historic Preservation Commission and, if the area is judged eligible for listing, the site designation is approved by the appropriate land managing agency director or local governing body; and

(2) Posted; [PL 2013, c. 89, §2 (NEW).]

B. The subject of a preservation agreement between the landowner or landowners and the Maine Historic Preservation Commission pursuant to Title 33, section 1551 and is:

(1) Listed in the National Register of Historic Places; and

(2) Posted; or [PL 2013, c. 89, §2 (NEW).]

C. Subject to section 378. [PL 2013, c. 89, §2 (NEW).]
[PL 2013, c. 89, §2 (NEW).]

8. Site. "Site" means an area containing archaeological artifacts or materials or other evidence of habitation, occupation or other use by historic or prehistoric people.

A. [PL 2013, c. 89, §3 (RP).]

B. [PL 2013, c. 89, §3 (RP).]

C. [PL 2013, c. 89, §3 (RP).]
[PL 2013, c. 89, §3 (AMD).]

9. Specimen. "Specimen" means any items, set of items or parts of items collected as representative samples of geological media or biological forms found within the State.
[PL 1981, c. 55, §5 (NEW).]

10. State-controlled land. "State-controlled land" means any land or water area owned in fee simple by the State, with the exception of those lands contained within Baxter State Park. State-controlled land includes, but is not limited to, state parks, state recreation areas, wilderness and wildlife preserves, located public lots and land beneath great ponds or navigable bodies of water and other submerged lands owned by the State.
[PL 1981, c. 55, §5 (NEW).]

SECTION HISTORY

PL 1981, c. 55, §5 (NEW). PL 1981, c. 568, §§1-3 (AMD). PL 1989, c. 171, §1 (AMD). PL 1989, c. 700, §A112 (AMD). PL 1995, c. 146, §1 (AMD). PL 1999, c. 748, §1 (AMD). PL 2013, c. 89, §§2, 3 (AMD).

§374. Legislative provisions

1. Purpose. The people of this State benefit only when a protected site is systematically excavated, analyzed and interpreted by a qualified principal investigator.
[PL 2013, c. 89, §4 (AMD).]

2. Permit procedure. The procedure for obtaining a permit to excavate a protected site is as follows.

A. Any person, agency or institution desiring to excavate a protected site must submit a written application. [PL 2013, c. 89, §4 (AMD).]

B. Application for a permit must be in the form of a letter and research proposal directed to the Director of the Maine Historic Preservation Commission and be accompanied by a copy of the preservation agreement attested by the Register of Deeds and the written permission of the landowner to proceed with the excavation. The landowner may give permission to excavate in the preservation agreement. [PL 2013, c. 89, §4 (AMD).]

C. The permit to excavate must be cosigned by the Director of the Maine Historic Preservation Commission and the Director of the State Museum, except for state-controlled lands where the permit also must be cosigned by the director of the agency with primary jurisdiction. [PL 2013, c. 89, §4 (AMD).]

D. The application must state the nature and specific location of the artifacts, specimens and materials to be removed, the legal name and address of the person, agency or institution seeking authorization and the date or dates on which the artifacts, specimens or materials are to be removed. [PL 2013, c. 89, §4 (AMD).]

E. Upon receipt of an application, the permitors may issue a written permit authorizing the excavation of the protected site for such term and upon such conditions as they consider reasonable and that are consistent with subsection 3. [PL 2013, c. 89, §4 (AMD).]
[PL 2013, c. 89, §4 (AMD).]

3. Permit conditions. The conditions that may be imposed upon a permit are as follows.

A. In order to minimize damage to state-controlled lands and to artifacts, specimens or materials to be removed and in order to ensure the recording and preservation of significant data regarding those artifacts, specimens, materials or protected sites, the permit may set forth requirements or limitations regarding the methods and equipment to be employed in the removal, the procedures to be followed in documenting the removal and the report or reports, if any, to be submitted to officials or agencies of the State upon completion of the removal activities. [PL 2013, c. 89, §4 (AMD).]

B. The permitors may require that an authorized representative of the State be present to witness and document the removal of artifacts, specimens or materials from state-controlled land. [PL 1981, c. 55, §6 (NEW).]

C. The permit must clearly indicate the type of artifacts, specimens or materials to be removed, the location of the protected site, the time of the proposed removal activity or excavation, the legal name and address of the permittee and any other limitations and requirements that may be imposed by the permitors. [PL 2013, c. 89, §4 (AMD).]

D. On excavations authorized by the permit process, the principal investigator should normally possess the minimum qualifications of a graduate degree in anthropology, archaeology or a related field, accompanied by institutional facilities to ensure proper conservation and curation of the artifacts, materials and specimens or extensive experience and demonstrated ability. [PL 1981, c. 55, §6 (NEW).]
[PL 2013, c. 89, §4 (AMD).]

4. Permit revocation. All permitors, or their authorized representatives, may revoke or suspend a permit if there is evidence to indicate that the permittee has violated or exceeded the limitations of the permit, or if there is evidence to indicate that artifacts, materials or the protected site are being unnecessarily defaced, damaged or destroyed in the course of removal. Any willful violation of the provisions or limitations of a permit is grounds for immediate revocation of the permit and must be construed as unauthorized excavation.
[PL 2013, c. 89, §4 (AMD).]

5. Permit possession. The permit must be retained in the personal possession of the permittee during the course of removal activities and must be made available for inspection upon demand of any authorized representative of the State. Any person or persons engaged in excavation on a protected site who do not produce a valid permit upon demand of an authorized representative of the State are presumptively engaged in unauthorized excavation.
[PL 2013, c. 89, §4 (AMD).]

SECTION HISTORY

PL 1969, c. 398 (NEW). PL 1981, c. 55, §6 (RPR). PL 1989, c. 700, §A113 (AMD). PL 2013, c. 89, §4 (AMD).

§375. Unlawful excavation

1. Definition of unlawful excavation. "Unlawful excavation" means unauthorized excavation at a protected site, unless:

A. A demonstrable emergency situation existed relating to the survival of the protected site; and [PL 2013, c. 89, §5 (AMD).]

B. An excavation permit is immediately applied for in accordance with section 374. [PL 1981, c. 55, §7 (NEW).]
[PL 2013, c. 89, §5 (AMD).]

2. Penalty. A violation of this chapter is a Class E crime for which a fine of not less than \$250 must be adjudged. The unlawful excavation for any one day constitutes a separate violation. The court also may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. The Director of the Maine Historic Preservation Commission, in the name of the people of this State through the Attorney General, may in addition to other remedies provided bring an action for an injunction seeking one or more of the following remedies:

A. To restrain a violation of this chapter; or [PL 1999, c. 748, §2 (AMD).]

B. To enjoin future unlawful excavation. [PL 1999, c. 748, §2 (AMD).]

C. [PL 1999, c. 748, §2 (RP).]
[PL 2019, c. 113, Pt. C, §69 (AMD).]

3. Prosecution. The Attorney General, upon receiving notification of a violation of this section from the Director of the Maine Historic Preservation Commission, is authorized to file a complaint against the person named in the District Court or the Superior Court of the district or county in which the person resides, or in the district or county in which the violation occurred.
[PL 1989, c. 171, §2 (AMD).]

SECTION HISTORY

PL 1981, c. 55, §7 (NEW). PL 1989, c. 171, §2 (AMD). PL 1999, c. 748, §2 (AMD). PL 2013, c. 89, §5 (AMD). PL 2019, c. 113, Pt. C, §69 (AMD).

§376. Antiquities recovered from protected sites

1. State-owned artifacts to remain in Maine. No artifacts, objects, specimens or materials originating from a protected site on state-controlled land may be authorized to leave the State permanently without written permission of the permitors. They may be loaned for a term specified by the permitors for proper study or exhibit.
[PL 2013, c. 89, §6 (AMD).]

2. Sale of artifacts. Attempts to sell, offers of sale and sale of artifacts, objects or specimens, excavated after the effective date of this Act, whether excavated lawfully or unlawfully from a protected site, without the written permission of the permit grantors or the Director of the Maine Historic Preservation Commission and the Director of the State Museum, are punishable by a civil penalty not greater than twice the price for which artifacts, objects or specimens are sold or offered for sale.
[PL 2013, c. 89, §6 (AMD).]

3. Prosecution. The Attorney General, upon receiving notification and evidence of violation of this section from the Director of the Maine Historic Preservation Commission, is authorized to file a complaint against the person named in the District Court of the district in which the person resides or in the district in which the violation occurred.
[PL 2013, c. 89, §6 (AMD).]

4. Artifact ownership. Artifacts, objects, materials and specimens recovered from protected sites on state-controlled land are the property of the State Museum. Artifacts, objects, specimens or materials

originating from a site on other than state-controlled land are the property of the landowner and must be deposited with a suitable repository as designated by the landowner in the preservation agreement or the permit.

[PL 2013, c. 89, §6 (AMD).]

SECTION HISTORY

PL 1981, c. 55, §7 (NEW). PL 1989, c. 700, §A114 (AMD). PL 2013, c. 89, §6 (AMD).

§377. Protection of site location information

In order to protect the site or protected site from unlawful excavation or harm, any information in the possession of the Maine Historic Preservation Commission, the State Museum, the Bureau of Parks and Lands, other state agencies or the University of Maine System about the location or other attributes of any site or protected site may be designated by the Maine Historic Preservation Commission or State Museum as confidential and exempt from Title 1, chapter 13. Such data must be made available for the purpose of archaeological research. The directors of the Maine Historic Preservation Commission and the State Museum shall jointly adopt rules establishing standards and procedures for obtaining the data, and may impose reasonable requirements on its use, including requirements of confidentiality. The directors of the Maine Historic Preservation Commission and the State Museum shall establish procedures for reviewing no less frequently than once every 10 years information designated as confidential under this section in order to determine whether continued confidentiality is necessary and, if not, to remove the confidentiality designation. [PL 2013, c. 89, §7 (AMD); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1981, c. 55, §7 (NEW). PL 1985, c. 779, §74 (AMD). PL 1989, c. 700, §A115 (AMD). PL 1995, c. 502, §E30 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 89, §7 (AMD). PL 2013, c. 405, Pt. A, §24 (REV).

§378. Emergency designation as protected site

In the case of an area containing archaeological materials or artifacts that is directly threatened with unauthorized excavation, the Director of the Maine Historic Preservation Commission, with the written permission of the landowner, may designate the area as a protected site that is subject to this chapter for a period not to exceed 10 years. The director and the landowner shall specify in writing the area that is subject to this chapter. All sites given emergency designation under this section must be posted against unauthorized excavation. [PL 2013, c. 89, §8 (AMD).]

SECTION HISTORY

PL 1981, c. 568, §4 (NEW). PL 1995, c. 146, §2 (AMD). PL 1999, c. 748, §3 (AMD). PL 2013, c. 89, §8 (AMD).

CHAPTER 15

THE ARTS

SUBCHAPTER 1

MAINE ARTS COMMISSION

§401. Commission

A state commission, to be known as the "Maine Arts Commission," as established by Title 5, section 12004-G, subsection 7-B, must consist of not more than 15 members, each of whom must have a continuing interest in the fields of art and culture in the State, to be appointed by the Governor from among citizens of Maine. In making such appointments, due consideration must be given to the recommendations made by representative civic, educational and professional associations and groups concerned with or engaged in artistic and cultural fields generally. [PL 2017, c. 180, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 499, §1 (NEW). PL 1983, c. 812, §169 (AMD). PL 1985, c. 763, §A81 (AMD). PL 1989, c. 503, §B115 (AMD). RR 2011, c. 2, §34 (COR). PL 2017, c. 180, §1 (AMD).

§402. Membership

The term of office of each member shall be 3 years; provided that of the members first appointed, 1/3 shall be appointed for terms of one year, 1/3 for terms of 2 years and 1/3 for terms of 3 years. Other than the chairman, no member of the commission who serves 2 full 3-year terms shall be eligible for reappointment during the one-year period following the expiration of his second such term. The Governor shall designate a chairman and a vice-chairman from the members of the commission, to serve as such at the pleasure of the Governor. The chairman shall be the presiding officer of the commission. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. The members of the commission shall be compensated according to the provisions of Title 5, chapter 379. [PL 1983, c. 812, §170 (AMD).]

SECTION HISTORY

PL 1965, c. 499, §1 (NEW). PL 1983, c. 812, §170 (AMD).

§403. Director

(REPEALED)

SECTION HISTORY

PL 1965, c. 499, §1 (NEW). PL 1971, c. 610, §17 (RP).

§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. 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. [PL 1991, c. 528, Pt. E, §32 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §32 (AMD).]

SECTION HISTORY

PL 1989, c. 700, §B34 (NEW). PL 1991, c. 528, §E32 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E32 (AMD).

§404. Duties

The duties of the commission shall be: [PL 1965, c. 499, §1 (NEW).]

1. Encouragement. To take such steps as may be necessary and appropriate to encourage and stimulate public interest and participation in the cultural heritage and programs of our State and to expand the state's cultural resources; and
[PL 1965, c. 499, §1 (NEW).]

2. Freedom. To encourage and assist freedom of artistic expression essential for the well-being of the arts; and
[PL 1965, c. 499, §1 (NEW).]

3. Surveys. To make such surveys as may be deemed advisable of public and private institutions engaged within the State in artistic and cultural activities, including, but not limited to, music, theatre, dance, painting, sculpture, architecture, literature, history and allied studies and pursuits, and to make recommendations concerning appropriate methods of encouraging participation in and appreciation of the foregoing to meet the legitimate needs and aspirations of persons in all parts of the State. [PL 1965, c. 499, §1 (NEW).]

4. Works of art. To act in an advisory capacity relative to the creation, acquisition, construction or erection by the State of any work of art, to file with the Governor, within 30 days, its opinion of such proposed work of art together with such suggestions and recommendations as it may deem proper. The term "work of art" as used in this subsection shall include any painting, portrait, mural, decoration, stained glass, statue, tablet, bas-relief, ornament, fountain or other article or structure of a permanent character intended for decoration or commemoration, but shall not include "historical materials" administered by the Maine State Museum Commission nor the State Capitol Building, including its exterior, interior, fixtures or decorations. [PL 1987, c. 816, Pt. EE, §7 (AMD).]

SECTION HISTORY

PL 1965, c. 499, §1 (NEW). PL 1971, c. 485, §2 (AMD). PL 1987, c. 816, §EE7 (AMD).

§405. Hearings; contracts

The Maine Arts Commission is authorized and empowered to hold public and private hearings; to enter into contracts, within the limit of funds available, with individuals or organizations and institutions for services furthering the educational objectives of the commission's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the commission's programs; to establish and administer an endowment fund; to accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the commission's mission; to make and sign any agreements; and to do and perform any acts that are necessary to carry out the purposes of this chapter. As determined by the Director of the Maine Arts Commission, with the approval of the commission, the endowment's principal and interest may be used to further the commission's mission, as long as the endowment funds are used only for the purposes for which the endowment is established in accordance with the intent of the donor. The commission may request and receive from any department, division, board, bureau, commission or agency of the State such assistance and data as necessary to carry out its powers and duties. [PL 2015, c. 379, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 499, §1 (NEW). PL 1991, c. 622, §V4 (AMD). PL 2013, c. 181, §1 (AMD). PL 2015, c. 379, §1 (AMD).

§406. Funds

The commission is the official agency of the State to receive and disburse any funds made available by the Federal Government for programs related to the purposes of the commission. [PL 1965, c. 499, §1 (NEW).]

SECTION HISTORY

PL 1965, c. 499, §1 (NEW).

§407. Reports

(REPEALED)

SECTION HISTORY

PL 1965, c. 499, §1 (NEW). PL 1973, c. 625, §185 (AMD). PL 1989, c. 700, §B35 (RP).

§408. Maine Student Artist Awards Program**(REPEALED)**

SECTION HISTORY

PL 1987, c. 801, §1 (NEW). PL 1989, c. 700, §B36 (AMD). PL 2013, c. 181, §2 (RP).

§409. Rules

The Maine Arts Commission may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this chapter. [PL 1989, c. 33 (NEW).]

SECTION HISTORY

PL 1989, c. 33 (NEW).

§410. Arts outreach program**(REPEALED)**

SECTION HISTORY

PL 1997, c. 532, §1 (NEW). PL 2013, c. 181, §3 (RP).

§410-A. Private support organization

1. Designation of private support organization. The Director of the Maine Arts Commission shall designate a nonprofit organization as the private support organization for the Maine Arts Commission. 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 Arts Commission and its programs.
[PL 2015, c. 380, §1 (NEW).]

2. Member on board of directors. The Director of the Maine Arts Commission, or the director's designee, shall serve as a member of the private support organization's board of directors.
[PL 2015, c. 380, §1 (NEW).]

3. Plan of work. The Director of the Maine Arts Commission shall negotiate an annual memorandum of understanding between the Maine Arts Commission and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.
[PL 2015, c. 380, §1 (NEW).]

4. Use of property. The Director of the Maine Arts Commission may permit the appropriate use of fixed property, equipment and facilities of the Maine Arts Commission by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures.
[PL 2015, c. 380, §1 (NEW).]

[PL 2015, c. 380, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 380, §1 (NEW).

SUBCHAPTER 1-A**ARTS IN EDUCATION PROGRAM****§411. Arts Education Program**

The Maine Arts Commission shall establish the Arts Education Program, referred to in this subchapter as "the program." [PL 2013, c. 181, §4 (AMD).]

SECTION HISTORY

PL 1997, c. 762, §1 (NEW). PL 2013, c. 181, §4 (AMD).

§412. Duties of the Maine Arts Commission

The Maine Arts Commission shall provide leadership in developing and sustaining an agenda for arts education throughout the State in partnership with federal, state and local entities. The commission shall lead efforts to make the arts a part of the core education for all students from kindergarten to grade 12 and to increase arts opportunities outside the school setting. The commission shall: [PL 2013, c. 181, §5 (AMD).]

1. Funding.

[PL 2013, c. 181, §5 (RP).]

2. Professional artists.

[PL 2013, c. 181, §5 (RP).]

3. School systems.

[PL 2013, c. 181, §5 (RP).]

4. Goals. Work with school systems to identify common education goals;
[PL 1997, c. 762, §1 (NEW).]

5. Training; information; seed money.
[PL 2013, c. 181, §5 (RP).]

6. Curriculum; projects.
[PL 2013, c. 181, §5 (RP).]

7. Research. Conduct research on arts education for elementary and secondary schools; and
[PL 2013, c. 181, §5 (NEW).]

8. Programs. Operate arts education and outreach programs to combine the presentation of art with arts education.
[PL 2013, c. 181, §5 (NEW).]

SECTION HISTORY

PL 1997, c. 762, §1 (NEW). PL 2013, c. 181, §5 (AMD).

§413. Duties of the school district

Under the program, each participating school district shall: [PL 1997, c. 762, §1 (NEW).]

1. Committee. Establish a local arts education committee to develop a 3-year plan to increase arts opportunities in the school district. Members of the committee may include teachers, art teachers, parents, art administrators, school administrators, business people, artists, school board members and students;
[PL 1997, c. 762, §1 (NEW).]

2. Orientation and training. Provide for the local arts education committee to participate in orientation and training sessions;
[PL 1997, c. 762, §1 (NEW).]

3. Plan. Implement, evaluate and report to the Maine Arts Commission on the plan; and
[PL 1997, c. 762, §1 (NEW).]

4. Resources. Allocate Maine Arts Commission resources according to a per-pupil cost formula in the first year of the plan.
[PL 1997, c. 762, §1 (NEW).]

SECTION HISTORY

PL 1997, c. 762, §1 (NEW).

SUBCHAPTER 2

STATE POET LAUREATE

§421. Honorary office created

1. Appointment. During Maine Cultural Heritage Week as established in Title 1, section 118, the Governor shall appoint a poet to serve as State Poet Laureate, nominated by an advisory selection committee created in subsection 3-A.

[PL 1999, c. 217, §2 (RPR).]

2. Term. The State Poet Laureate is appointed for a 5-year term and may be reappointed for a 2nd term. An individual may serve as State Poet Laureate for no more than 2 consecutive terms, but may be reappointed after a break in service.

[PL 1999, c. 217, §2 (RPR).]

3. Advisory panel.

[PL 1999, c. 217, §2 (RP).]

3-A. Advisory selection committee. The State Poet Laureate Advisory Selection Committee as established in Title 5, section 12004-I, subsection 5-A, referred to in this subchapter as the "advisory selection committee," is created in accordance with the following provisions.

A. The Maine Arts Commission shall assemble an advisory selection committee of no more than 5 members with expertise in poetry. The Director of the Maine Arts Commission and the Director of the Maine State Library or their delegates shall cochair this advisory selection committee. [PL 1999, c. 217, §2 (NEW).]

B. Five months prior to the expiration of the State Poet Laureate's tenure, the advisory selection committee shall advertise in the appropriate media for nominations of potential candidates. By March 1st of the year in which the term of a poet laureate is due to end, the advisory selection committee shall recommend one name to the Governor for appointment as the State Poet Laureate.

[PL 1999, c. 217, §2 (NEW).]

C. If a vacancy occurs within the term of the State Poet Laureate, the advisory selection committee shall select as soon as possible a nominee for appointment by the Governor to fill the remainder of the term. [PL 1999, c. 217, §2 (NEW).]

D. Members of the advisory selection committee are not entitled to per diem or compensation for expenses. [PL 1999, c. 217, §2 (NEW).]

[PL 1999, c. 217, §2 (NEW).]

4. Eligibility. The individual appointed State Poet Laureate must be a poet who is a resident of the State and must have published distinguished poetry.

[PL 1999, c. 217, §2 (RPR).]

5. Duties.

[PL 1999, c. 217, §2 (RP).]

6. Copyright.

[PL 1999, c. 217, §2 (RP).]

SECTION HISTORY

PL 1995, c. 264, §3 (NEW). PL 1999, c. 217, §2 (RPR).

§422. Public employment permitted

Acceptance of the honor of serving as State Poet Laureate does not constitute state employment and does not preclude an individual from election, appointment or service as an employee or official in state or local government. [PL 1995, c. 264, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 264, §3 (NEW).

§423. Display of work

Upon the request of a State Poet Laureate, space must be made available at the State House complex for the public display of the State Poet Laureate's work. [PL 1999, c. 217, §3 (NEW).]

SECTION HISTORY

PL 1999, c. 217, §3 (NEW).

§424. State Poet Laureate Reimbursement Fund

1. Fund established. The State Poet Laureate Reimbursement Fund, referred to in this section as "the fund," is established as a nonlapsing Other Special Revenue Funds account administered by the Maine Arts Commission. The fund consists of gifts, grants or other sources of revenues deposited for the purposes described in subsection 2. The fund must be held separate from all other money, funds and accounts.

[PL 2003, c. 300, §1 (NEW).]

2. Fund purpose. The purpose of the fund is to provide funds to nonprofit public agencies and schools in the State to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community. The Maine Arts Commission shall administer the fund and develop guidelines and procedures to make the services of the State Poet Laureate available to any nonprofit public agency and school in the State.

[PL 2003, c. 300, §1 (NEW).]

3. Application process. The Maine Arts Commission shall establish an application process for fund requests for the purposes set forth in this section.

[PL 2003, c. 300, §1 (NEW).]

4. Promotion. The Maine Arts Commission shall promote the availability of the fund through its various avenues of communication, including its publicly accessible site on the Internet.

[PL 2003, c. 300, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 300, §1 (NEW).

CHAPTER 16

THE PERCENT FOR ART ACT

§451. Purpose

Recognizing the need to enhance culture and the arts and to encourage the development of artists, it is the intent of the Legislature to establish the Percent for Art Program to provide funds for and authorize the acquisition of works of art for certain public buildings and public facilities. [PL 1989, c. 912, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 525 (NEW). PL 1987, c. 469, §§1, 11 (AMD). PL 1989, c. 912, §1 (AMD).

§452. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings. [PL 1979, c. 525 (NEW).]

1. Architect. "Architect" means the person or firm retained by the contracting agency to design the project to which the 1% provision of this chapter applies.

[PL 1979, c. 525 (NEW).]

2. Artist. "Artist" means a practitioner in the arts, generally recognized as a professional by critics and peers, who produces works of art and who is not the architect or an employee of the architectural firm retained by the contracting agency.

[PL 1989, c. 912, §2 (AMD).]

3. Commission. "Commission" means the Maine Arts Commission.

[PL 1985, c. 763, Pt. A, §82 (AMD).]

3-A. Construction. "Construction" means the construction or renovation of a public building or public facility, the cost of which is at least \$100,000, but does not include repairs or minor alterations. In its rulemaking and decisions regarding construction projects governed by this Act, the commission is guided by the determinations of the Director of the Bureau of General Services.

[PL 2011, c. 691, Pt. B, §26 (AMD).]

4. Contracting agency.

A. "Contracting agency" means the agency of State Government to which funds have been appropriated or allocated by the Legislature for the construction of any public building or other public facility. In the case of school construction projects, the contracting agency shall be the governance body of the school administrative unit. [PL 1987, c. 469, §3 (AMD).]

B. "Contracting agency" does not include municipalities and special purpose quasi-municipal districts such as, but not limited to, sewer districts and water districts. [PL 1979, c. 525 (NEW).]

[PL 1987, c. 469, §3 (AMD).]

5. Public building or public facility. "Public building" or "public facility" means any building or facility which is to be constructed in part or totally with funds from any source appropriated or allocated by the Legislature, including any school construction project approved for state funding by the State Board of Education, and which is intended for the use of the general public.

A. If only part or parts of the building or facility are for the use of the public, "public building" or "public facility" includes only that part or those parts designed for the use of the public. The method of cost allocation to the identifiable part or parts shall be determined by a generally accepted method of cost allocation, provided that the allocated cost for that part or those parts shall exceed \$100,000. [PL 1987, c. 469, §4 (RPR).]

B. "Public building" or "public facility" does not include highways, sheds, warehouses, buildings of a temporary nature. [PL 1987, c. 469, §4 (RPR).]

C. A school construction project or any building or facility which is part of the project is subject to this Act only upon the affirmative vote of the school board of the school administrative unit. [PL 1987, c. 469, §4 (RPR).]

[PL 1987, c. 469, §4 (RPR).]

5-A. School construction project. "School construction project" means a project as defined in Title 20-A, section 15901, subsection 4.

[PL 1987, c. 469, §5 (NEW).]

6. Works of art. "Works of art" means any of the following original creations of art:

A. Sculpture in any material or combination of materials; [PL 1987, c. 469, §6 (AMD).]

- B. Painting; [PL 1987, c. 469, §6 (AMD).]
- C. Graphic arts, printmaking and drawing; [PL 1979, c. 525 (NEW).]
- D. [PL 1987, c. 469, §6 (RP).]
- E. Photography, video or electronic media; [PL 1989, c. 912, §3 (AMD).]
- F. Crafts in clay, fiber and textiles, wood, metal, plastics and other materials; and [PL 1987, c. 469, §6 (AMD).]
- G. [PL 1987, c. 469, §6 (RP).]
- H. Mixed or conceptual media, or any combination of forms or media, including collage. [PL 1989, c. 912, §3 (AMD).]
[PL 1989, c. 912, §3 (AMD).]

SECTION HISTORY

PL 1979, c. 525 (NEW). PL 1985, c. 763, §A82 (AMD). PL 1987, c. 469, §§2-6,11 (AMD). PL 1989, c. 912, §§2,3 (AMD). PL 2011, c. 691, Pt. B, §26 (AMD).

§453. Expenditure for and location of art

1. Amount; gifts and donations. A contracting agency, except a school administrative unit, shall expend out of money appropriated or allocated by the Legislature for the construction of a public building or facility, except for a correctional facility, a minimum amount of 1% of the construction portion of the appropriation or allocation, for the purpose of acquiring, transporting and installing works of art. School units that have decided to participate in the Percent for Art Program shall expend a minimum amount of 1% of the cost of the eligible school construction project or of any building or facility that is part of an eligible project or \$50,000, whichever is less.

- A. [PL 1987, c. 469, §7 (RP).]

Donations and gifts to the contracting agency may be used to offset the minimum amount identified in this subsection. The value of works of art received as a donation or a gift must be determined by the commission.

[PL 1999, c. 706, §8 (AMD).]

2. Location of works of art. Works of art may be included as an integral part of the structure of the building or facility, may be attached to the structure or may be detached within or outside of the structure.

[PL 1979, c. 525 (NEW).]

SECTION HISTORY

PL 1979, c. 525 (NEW). PL 1987, c. 469, §§7, 11 (AMD). PL 1989, c. 912, §4 (AMD). PL 1999, c. 706, §8 (AMD).

§454. Contracts for works of art

For purposes of this chapter, expenditures for works of art shall be contracted for separately from all other items in any original construction of any public building or facility. Contracts shall be made according to section 457. [PL 1979, c. 525 (NEW).]

SECTION HISTORY

PL 1979, c. 525 (NEW).

§455. Determination of amount for acquisition of art

The commission, in consultation with the Bureau of General Services, the Department of Education, the Office of Facilities within the University of Maine System or the Maine Community

College System, whichever has budgetary authority over the project, shall determine the minimum amount to be made available for the purchase of art for each public building or facility. [PL 1993, c. 435, §8 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

SECTION HISTORY

PL 1979, c. 525 (NEW). PL 1989, c. 912, §5 (AMD). PL 1993, c. 435, §8 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

§456. Duties of the contracting agency

Upon selection of an architect for any project, the contracting agency shall: [PL 1979, c. 525 (NEW).]

1. Notify. Notify the architect of this chapter;
[PL 1979, c. 525 (NEW).]

2. Commission. Notify the commission of the selection of the architect and the details of the project;
[PL 1979, c. 525 (NEW).]

3. Consultation. Consult with the commission about the amount to be expended for works of art; and
[PL 1979, c. 525 (NEW).]

4. Selection of artist and works of art. Select the artist and the works of art in accordance with the rules established under section 458, and in consultation with the commission.
[PL 1979, c. 525 (NEW).]

SECTION HISTORY

PL 1979, c. 525 (NEW).

§457. Duties of commission

The commission shall: [PL 1989, c. 912, §6 (NEW).]

1. Consult. Consult with the architect and contracting agency about any administrative costs or design services required in connection with the selection of works of art;
[PL 1989, c. 912, §6 (RPR).]

2. Procedures for participation of architect. Advise the Bureau of General Services, the Department of Education, the Office of Facilities within the University of Maine System and the Maine Community College System concerning procedures for participation and compensation of the architect in connection with the acquisition of works of art under this chapter;
[PL 1993, c. 435, §9 (AMD); PL 2003, c. 20, Pt. OO, §2 (AMD); PL 2003, c. 20, Pt. OO, §4 (AFF).]

3. Contracting agency. Advise the contracting agency;
[PL 1989, c. 912, §6 (NEW).]

4. Selection. Approve the process used by the contracting agency in selection of the artist or works of art. If the commission does not approve the process used to select the artist or works of art, then the contracting agency shall use another selection process in accordance with the procedure authorized in section 456, subsection 4;
[PL 1989, c. 912, §6 (NEW).]

5. Acquisition of art. Review the design, execution, placement and acceptance of any works of art that are, or are intended to be, acquired under this chapter; and
[PL 1989, c. 912, §6 (NEW).]

6. Standards for maintenance. Adopt standards for the maintenance, conservation, relocation and transfer of ownership of works of art acquired under this chapter.

[PL 1989, c. 912, §6 (NEW).]

SECTION HISTORY

PL 1979, c. 525 (NEW). PL 1989, c. 912, §6 (RPR). PL 1993, c. 435, §9 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF).

§458. Rules and regulations

The commission shall establish rules in accordance with the procedures set forth in the Maine Administrative Procedure Act, Title 5, section 8051, et seq., to carry out the purposes of this chapter. These rules shall include, but not be limited to, the following: [PL 1979, c. 525 (NEW).]

1. Selection. Procedures for the selection of artists and works of art; [PL 1979, c. 525 (NEW).]

2. Standards. Standards for the artist and works of art which may be eligible for selection; [PL 1987, c. 469, §8 (AMD).]

2-A. Maintenance. Standards for the maintenance, conservation, relocation and transfer of ownership of works of art acquired under this chapter; [PL 1989, c. 912, §7 (NEW).]

3. Contract procedures. Procedures for contracting with artists for works of art ; and [PL 1989, c. 912, §8 (AMD).]

4. Administrative costs. Administrative costs associated with the acquisition of works of art which are eligible to be included as part of the amount allocated in section 453, subsection 1. [PL 1987, c. 469, §9 (NEW).]

SECTION HISTORY

PL 1979, c. 525 (NEW). PL 1987, c. 469, §§8,9,11 (AMD). PL 1989, c. 912, §§7,8 (AMD).

§459. Administrative costs

Eligible administrative costs incurred by the contracting agency that are associated with the acquisition of works of art shall be included as part of the amount allocated to section 453, subsection 1, for works of art. [PL 1989, c. 912, §9 (AMD).]

SECTION HISTORY

PL 1979, c. 525 (NEW). PL 1987, c. 469, §§10, 11 (AMD). PL 1989, c. 912, §9 (AMD).

CHAPTER 17

MAINE HISTORIC PRESERVATION COMMISSION

§501. Declaration of policy

The Legislature declares it is the policy of the State that in order to preserve the architectural, historic and environmental heritage of the people of the State, and to develop and promote the cultural, educational and economic benefits of these resources, the Maine Historic Preservation Commission, as established by Title 5, section 12004-G, subsection 7-D, shall work to implement this policy. [PL 1989, c. 700, Pt. B, §37 (AMD).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1983, c. 812, §171 (AMD). PL 1989, c. 503, §B116 (AMD). PL 1989, c. 700, §B37 (AMD).

§502. Maine Historic Preservation Commission

There is created the Maine Historic Preservation Commission. It consists of 11 members made up as follows: The Commissioner of Transportation or a representative of the Department of Transportation, and the Commissioner of Agriculture, Conservation and Forestry or a representative of the Department of Agriculture, Conservation and Forestry, to serve ex officio; and 9 representatives from among the citizens of the State, one of whom must be elected chair and one of whom must be elected vice-chair, who are known for their competence, experience and interest in historic preservation, including at least one prehistoric archaeologist, one historic archaeologist, one historian, one architectural historian and one architect, to be appointed by the Governor. In making these appointments, due consideration must be given to the recommendations made by the representative professional, civic and educational associations and groups concerned with or engaged in the field of historic preservation. [RR 1991, c. 2, §103 (COR); PL 2011, c. 657, Pt. W, §§5, 6 (REV).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1971, c. 593, §22 (AMD). PL 1971, c. 618, §12 (AMD). PL 1971, c. 622, §89 (AMD). PL 1973, c. 169, §2 (AMD). PL 1973, c. 460, §19 (AMD). PL 1975, c. 771, §294 (AMD). PL 1979, c. 21 (RPR). PL 1989, c. 700, §B38 (AMD). RR 1991, c. 2, §103 (COR). PL 2011, c. 657, Pt. W, §§5, 6 (REV).

§503. Membership

Upon the expiration of the term of existing members, the term of office of each appointed member shall be 5 years or until his successor is appointed and qualified. No member shall 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 appointed by the Governor for the balance of the term. The commission shall meet at least 4 times a year. It shall adopt and may amend bylaws for its internal organization and operation. The director shall serve as secretary to the commission. The members of the commission shall be compensated according to the provisions of Title 5, chapter 379. [PL 1983, c. 812, §172 (AMD).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1979, c. 21 (RPR). PL 1983, c. 812, §172 (AMD).

§504. Duties

The commission shall set policy with regard to: [PL 1979, c. 21 (RPR).]

1. Administration. The steps which are necessary and relevant to encourage and stimulate public interest and participation in the historic, architectural and archaeological heritage of our State, and to advise the State Historic Preservation Officer with regard to liaison between the State and Federal Governments and public or private agencies or organizations interested in and participating in the field of historic preservation; and
[PL 1979, c. 21 (RPR).]

2. Programs. The steps which are necessary to administer the program of the National Historic Preservation Act of 1966, and other private and governmental programs within the purposes of this chapter except in those areas specifically assigned by federal law to the State Historic Preservation Officer.
[PL 1979, c. 21 (RPR).]

2-A. Rules. The Maine Historic Preservation Commission may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375 to implement this section.
[PL 1989, c. 647, §1 (NEW).]

3. Register of historic places.

[PL 1979, c. 21 (RP).]

4. Acceptance of gifts and bequests.

[PL 1979, c. 21 (RP).]

5. Biennial report.

[PL 1979, c. 21 (RP).]

6. Rules and regulations.

[PL 1979, c. 21 (RP).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1975, c. 771, §295 (AMD). PL 1979, c. 21 (RPR). PL 1989, c. 647, §1 (AMD).

§505. Director

1. Appointment. The Maine Historic Preservation Commission may appoint a director who must be qualified by special training or experience in the field of historic preservation and who shall 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 commission shall fix compensation for the director within salary range 88.

[PL 1991, c. 528, Pt. E, §33 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §33 (AMD).]

2. Duties.

A. The Maine Historic Preservation Commission is under the management and supervision of a director who may adopt rules pursuant to the Maine Administrative Procedure Act to implement this section. [PL 1991, c. 824, Pt. A, §56 (RPR).]

B. The director may employ, subject to the personnel laws, such assistants as the business of the office may require. [PL 1979, c. 21 (NEW).]

C. The director shall, subject to the approval of the commission, accept gifts, devises, bequests and endowments for purposes, consistent with the purposes of this chapter. Any funds given as an endowment shall be invested by the Treasurer of State according to the laws governing investment of trust funds. All gifts, devises, bequests and proceeds of endowment funds shall be used solely to carry out the purposes for which they were made. [PL 1979, c. 21 (NEW).]

D. The director may administer a program of state financed grants for the stabilization and restoration of unique historic structures consistent with the following conditions.

(1) An applicant for a grant must be either a governmental or a nonprofit organization.

(2) The historic structure which is the subject of the grant application must be on the National Register of Historic Places as provided by the National Historic Preservation Act of 1966 or have been nominated to the register by the commission.

(3) An applicant must provide assurance that public access to the structure will be reasonably provided with respect to admission fees, visitation hours and physical accessibility, while maintaining the historical integrity of the structure.

(4) Applications must address, to the satisfaction of the commission, the applicant's organizational and financial capacity to provide long-term maintenance of that structure which is the subject of the application.

(5) Grants shall not exceed 50% of the total expense of the proposed project, except that grants to this State may be 100% of the total expense of the proposed project.

(6) All grants shall be subject to final approval, by the commission.

(7) Prior to final approval, the commission may require the applicant to execute a covenant to secure continued public access and maintenance of the historic integrity of the structure, and a right of first refusal for the State.

With respect to the quality of work to be performed through this grant program, the commission and the director shall be guided by the United States Secretary of the Interior's Standards for Rehabilitation. [PL 1983, c. 585, §2 (NEW).]
[PL 1991, c. 824, Pt. A, §56 (AMD).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1975, c. 771, §296 (AMD). PL 1979, c. 21 (RPR). PL 1983, c. 585, §2 (AMD). PL 1985, c. 785, §B125 (AMD). PL 1989, c. 647, §2 (AMD). PL 1989, c. 700, §§B39,40 (AMD). PL 1991, c. 528, §E33 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E33 (AMD). PL 1991, c. 824, §A56 (AMD).

§506. Hearings; contracts

The commission may hold public and private hearings related to the field of historic preservation. The director may enter into contracts, within the limit of funds available, with individuals or organizations and institutions for services furthering the objectives of this chapter; and enter into contracts, within the limit of funds available, with public or private, local or regional organizations or associations for cooperative endeavors furthering the objective of this chapter. The director may make recommendations to the commission regarding the acceptance of gifts, contributions, devises and bequests of funds and objects from individuals, foundations, corporations and other organizations, and institutional or governmental bodies for the purpose of furthering the objectives of this chapter. The commission is authorized and empowered to establish an endowment fund. Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. [PL 1991, c. 622, Pt. V, §5 (AMD).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1975, c. 771, §297 (AMD). PL 1979, c. 21 (RPR). PL 1991, c. 622, §V5 (AMD).

§507. Assistance from other state agencies

The director may request from any department, division, board, bureau, commission or agency of the State such assistance and data as will enable him to properly carry out this chapter. [PL 1979, c. 21 (RPR).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1979, c. 21 (RPR).

§508. Recommendations

The director shall make recommendations and give assistance to private and governmental bodies as consistent with the purposes of this chapter. [PL 1979, c. 21 (RPR).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1979, c. 21 (RPR).

§509. Compliance with federal law

The State Historic Preservation Officer may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to enable the State to comply with any law of the United States intended to promote public historic preservation services. The Treasurer of State shall be custodian of

any money that may be allotted by the Federal Government for programs related to the purposes of the Maine Historic Preservation Commission. [PL 1989, c. 647, §3 (AMD).]

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1979, c. 21 (RPR). PL 1989, c. 647, §3 (AMD).

§510. Annual report

(REPEALED)

SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1973, c. 625, §186 (AMD). PL 1979, c. 21 (RPR). PL 1989, c. 700, §B41 (RP).

§511. Support for state rehabilitation tax credits

1. Program. The director shall administer, in consultation with the Department of Administrative and Financial Services, Bureau of Revenue Services, a program in support of state rehabilitation tax credits for income-producing historic structures pursuant to Title 36, section 5219-BB. [PL 2007, c. 539, Pt. WW, §1 (NEW).]

2. Certification. The director shall certify information necessary for applicants to demonstrate eligibility for an income tax credit under Title 36, section 5219-BB, including, but not limited to:

A. That rehabilitations of certified historic structures are consistent with the United States Secretary of the Interior's Standards for Rehabilitation; and [PL 2009, c. 361, §1 (AMD); PL 2009, c. 361, §37 (AFF).]

B. That historic structures are listed in or are eligible for listing in the National Register of Historic Places or are in certified local districts. [PL 2009, c. 361, §1 (AMD); PL 2009, c. 361, §37 (AFF).]

C. [PL 2009, c. 361, §1 (RP); PL 2009, c. 361, §37 (AFF).]

When performing the certification required by this subsection, the director shall interpret the provisions of this subsection in a manner consistent with the provisions of the federal Internal Revenue Code, Section 47.

[PL 2009, c. 361, §1 (AMD); PL 2009, c. 361, §37 (AFF).]

3. Administration. The director may provide forms, instructions and guidelines necessary for an applicant to apply for certification under the program. [PL 2007, c. 539, Pt. WW, §1 (NEW).]

4. Fees. The director may establish a schedule of processing fees, the proceeds of which must be used by the director solely for the support of the administration of certifications under this section. The processing fees collected by the director must be placed in a nonlapsing historic rehabilitation certification fund to be used solely by the director for the administration of certifications required under this section.

[PL 2007, c. 539, Pt. WW, §1 (NEW).]

5. Reports. The Maine Historic Preservation Commission shall issue the following reports.

A. The Maine Historic Preservation Commission shall issue a report by March 1st of each year that identifies the approved and certified state historic preservation certification applications and documents the number of affordable housing units created, total housing units created, number of affordable housing units preserved, total aggregate square footage rehabilitated and developed, total aggregate square footage of housing, total aggregate square footage of affordable housing, total certified rehabilitation expenses and total new construction expenses. [PL 2007, c. 539, Pt. WW, §1 (NEW).]

B. By January 15, 2013, the Maine Historic Preservation Commission shall review the tax credit provided under Title 36, section 5219-BB and shall make recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding specific proposals for funding the credit. By January 15, 2015 and every 2 years thereafter, the Maine Historic Preservation Commission shall analyze the use of tax credits provided under Title 36, section 5219-BB as an incentive for rehabilitation of historic structures and economic development, analyze tax and other revenues generated by the rehabilitation to determine in relation to the cost of the credit if they exceed the costs of the credit and report the results of its analysis to the joint standing committee of the Legislature having jurisdiction over taxation matters with recommendations as to whether the credits under Title 36, section 5219-BB should be extended, repealed or amended. The recommendations must include specific proposals for funding the credit after fiscal year 2014-15 and appropriate transition provisions in order that projects in the development or planning states are not adversely affected. The joint standing committee may submit legislation related to the report. [PL 2011, c. 453, §1 (AMD).]

[PL 2011, c. 453, §1 (AMD).]

SECTION HISTORY

PL 2007, c. 539, Pt. WW, §1 (NEW). PL 2009, c. 361, §1 (AMD). PL 2009, c. 361, §37 (AFF). PL 2011, c. 453, §1 (AMD).

CHAPTER 18

MAINE STATE CULTURAL AFFAIRS COUNCIL

§551. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 700, Pt. B, §42 (NEW).]

1. Cultural agencies. "Cultural agencies" means 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 and programs of these organizations.

[PL 1999, c. 573, §1 (AMD).]

2. Directors. "Directors" means the Director of the Maine Arts Commission, the Director of the Maine Historic Preservation Commission, the State Librarian, the Director of the Maine State Museum, the Director of the Maine Humanities Council, the Director of the Maine Historical Society and the State Archivist.

[PL 1999, c. 573, §1 (AMD).]

SECTION HISTORY

PL 1989, c. 700, §B42 (NEW). PL 1999, c. 573, §1 (AMD).

§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. [PL 1989, c. 700, Pt. B, §42 (NEW).]

SECTION HISTORY

PL 1989, c. 700, §B42 (NEW).

§553. Membership

The Maine State Cultural Affairs Council consists of the chair of the State Cultural Affairs Council, appointed pursuant to subsection 1, and the chair and vice-chair or their designees from the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine Library Commission, the Maine Humanities Council, the Maine Historical Society, the Archives Advisory Board and the Maine State Museum Commission. The Governor may designate a staff member of the Office of the Governor to serve as a nonvoting member. The directors of the 7 cultural agencies are nonvoting ex officio members of the council. [PL 1999, c. 573, §2 (AMD).]

1. Appointment of chair. The Governor shall appoint the chair of the Maine State Cultural Affairs Council from among the members of the Maine Library Commission, the Maine Historic Preservation Commission, the Maine Arts Commission, the Maine Humanities Council, the Maine Historical Society, the Archives Advisory Board or the Maine State Museum Commission, as long as the appointed chair is not from the same entity as the previous chair. [PL 1999, c. 573, §3 (AMD).]

2. Term of chair. The Chair of the Maine State Cultural Affairs Council shall serve a term of 2 years, except that the chair's term shall not extend beyond the chair's term as a commission member. [PL 1989, c. 700, Pt. B, §42 (NEW).]

SECTION HISTORY

PL 1989, c. 700, §B42 (NEW). PL 1995, c. 519, §7 (AMD). PL 1999, c. 573, §§2,3 (AMD).

§554. Staff

The directors and the personnel of the cultural agencies shall provide staff assistance to the Maine State Cultural Affairs Council. [PL 1989, c. 700, Pt. B, §42 (NEW).]

SECTION HISTORY

PL 1989, c. 700, §B42 (NEW).

§555. Duties

The duties and functions of the council are limited to the following: [PL 1989, c. 700, Pt. B, §42 (NEW).]

1. Coordination of budget requests. To receive budget requests from each of the cultural agencies and to coordinate the budget plans for submission to the Bureau of the Budget; [PL 1989, c. 700, Pt. B, §42 (NEW).]

2. Forum for interagency planning. To provide a forum for interagency cooperation and planning; [PL 1989, c. 700, Pt. B, §42 (NEW).]

3. Liaison. To serve as the principal liaison for distribution of agency-wide notices and instructions from other governmental administrative agencies; [PL 1989, c. 700, Pt. B, §42 (NEW).]

4. Prepare annual report. To coordinate the preparation of an annual report and other joint planning documents of the 7 cultural agencies; [PL 1999, c. 573, §4 (AMD).]

5. Statewide cultural planning. To meet jointly and at least annually with the directors of the Maine State Film Commission and the State Law Library and others as considered appropriate for the purpose of exchanging information and coordinating statewide cultural planning; and [PL 1999, c. 573, §4 (AMD).]

6. New Century Community Program Fund. To administer the New Century Community Program Fund. The New Century Community Program Fund is established as a nonlapsing account to assist in carrying out the purposes of section 558. The Maine State Cultural Affairs Council may accept and expend money on behalf of the fund from public and private sources.

[PL 2001, c. 439, Pt. DDDD, §1 (AMD).]

SECTION HISTORY

PL 1989, c. 700, §B42 (NEW). PL 1999, c. 573, §§4,5 (AMD). PL 2001, c. 439, §DDDD1 (AMD).

§556. Limitations

The powers of the council do not extend to: [PL 1989, c. 700, Pt. B, §42 (NEW).]

1. Alteration of program. Alteration of any agency program or request except as a conduit for administrative budget instructions;

[PL 1989, c. 700, Pt. B, §42 (NEW).]

2. Consolidation. Consolidation or transfer of funds between agencies;

[PL 1989, c. 700, Pt. B, §42 (NEW).]

3. Policy setting. Policy setting for any agency or commission; or

[PL 1989, c. 700, Pt. B, §42 (NEW).]

4. Additional powers. Any powers not expressly granted.

[PL 1989, c. 700, Pt. B, §42 (NEW).]

SECTION HISTORY

PL 1989, c. 700, §B42 (NEW).

§557. Annual report

The Maine State Cultural Affairs Council shall annually report to the Governor and the Legislature. The directors shall provide the necessary information and assist the council in the preparation of this report. This report shall include the following: [PL 1989, c. 700, Pt. B, §42 (NEW).]

1. Receipts and expenditures. The receipts and expenditures on the accounts of the cultural agencies;

[PL 1989, c. 700, Pt. B, §42 (NEW).]

2. Acquisitions. The number of acquisitions by the cultural agencies, specifying those obtained by purchase, donation or exchange;

[PL 1989, c. 700, Pt. B, §42 (NEW).]

3. Program accomplishments. The accomplishments of the programs within the cultural agencies;

[PL 1989, c. 700, Pt. B, §42 (NEW).]

4. Program needs. The program needs of the cultural agencies; and

[PL 1989, c. 700, Pt. B, §42 (NEW).]

5. Improvements. Suggestions for improvement of the individual programs within the cultural agencies and for the improvement of delivery of cultural services in the State.

[PL 1989, c. 700, Pt. B, §42 (NEW).]

SECTION HISTORY

PL 1989, c. 700, §B42 (NEW).

§558. Maine Communities in the New Century Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Council" means the Maine State Cultural Affairs Council. [PL 1999, c. 401, Pt. LL, §1 (NEW).]

B. "Participating agencies" means the:

- (1) Maine Arts Commission;
- (2) Maine Historic Preservation Commission;
- (3) Maine State Library;
- (4) Maine State Museum;
- (5) Maine Historical Society;
- (6) Maine State Archives; and
- (7) Maine Humanities Council. [PL 1999, c. 401, Pt. LL, §1 (NEW).]

C. "Program" means the New Century Community Program established in subsection 2. [PL 2001, c. 439, Pt. DDDD, §2 (AMD).]
[PL 2001, c. 439, Pt. DDDD, §2 (AMD).]

2. Program established; objectives. The New Century Community Program is established under the auspices of the council to further the following objectives:

A. Preservation of the State's historic resources, properties, artifacts and documents; [PL 1999, c. 401, Pt. LL, §1 (NEW).]

B. Expanded access to improved educational resources; and [PL 1999, c. 401, Pt. LL, §1 (NEW).]

C. Community and economic development through strengthened local cultural resources, including through increased community access to the State's leading cultural institutions. [PL 2001, c. 439, Pt. DDDD, §3 (AMD).]
[PL 2001, c. 439, Pt. DDDD, §3 (AMD).]

3. Program components. To assist communities in preserving, improving and providing access to cultural resources, the program shall provide matching grants, technical assistance and support services to local, nonprofit, community-based organizations.
[PL 1999, c. 401, Pt. LL, §1 (NEW).]

4. Council duties. The council shall:

A. Oversee the planning and implementation of the program and coordinated communication among the participating agencies on behalf of Maine communities; [PL 1999, c. 401, Pt. LL, §1 (NEW).]

B. Establish an outside evaluation system for the project to be implemented in the 2nd year of the program; [PL 1999, c. 401, Pt. LL, §1 (NEW).]

C. Provide a forum of interagency planning among the participating agencies; [PL 1999, c. 401, Pt. LL, §1 (NEW).]

D. Receive and distribute notices and instructions from other governmental administrative agencies; [PL 1999, c. 401, Pt. LL, §1 (NEW).]

E. Meet quarterly to assess the progress of the program; [PL 1999, c. 401, Pt. LL, §1 (NEW).]

F. Coordinate the program with a statewide cultural alliance organization that is a private nonprofit educational agency supporting libraries, museums and arts and humanities organizations and with

statewide groups of individuals and artists concerned about the health of the State's cultural resources; and [PL 1999, c. 401, Pt. LL, §1 (NEW).]

G. Submit an annual report to the Legislature on the program. [PL 1999, c. 401, Pt. LL, §1 (NEW).]

[PL 1999, c. 401, Pt. LL, §1 (NEW).]

5. Participating agency duties. The participating agencies shall:

A. Provide matching grants and services to eligible nonprofit and community-based organizations; [PL 1999, c. 401, Pt. LL, §1 (NEW).]

B. Participate in coordinated efforts of the council; and [PL 1999, c. 401, Pt. LL, §1 (NEW).]

C. Provide appropriate information for the annual report to the Legislature. [PL 1999, c. 401, Pt. LL, §1 (NEW).]

[PL 1999, c. 401, Pt. LL, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 401, §LL1 (NEW). PL 2001, c. 439, §§DDDD2,3 (AMD).

CHAPTER 19

PROPERTY DEPOSITED WITH MUSEUMS AND HISTORICAL SOCIETIES

§601. Property deposited with museums

1. Property to be considered abandoned; definition. Any tangible property held by a museum within the State that is held for 3 years or more without a written gift or loan agreement, or after expiration of a written loan agreement, and to which a person has not made claim is considered to be abandoned and, notwithstanding Title 33, chapter 45, becomes the property of the museum, as long as the estimated market value of the material is less than \$100 or the museum has complied with subsection 2. The estimated market value must be determined by a qualified appraiser, and a written copy of the determination must be retained in the museum's permanent records.

As used in this section, "museum" means an organization that is operated by a nonprofit corporation, public agency or educational institution primarily for educational, scientific, historic preservation, cultural or aesthetic purposes and that owns, cares for, exhibits, studies, archives and catalogues tangible property and includes, but is not limited to, historical societies, archives and art, history, science and natural history organizations.

[PL 2019, c. 498, §17 (AMD).]

2. Notice. With respect to property under subsection 1 with a value of \$100 or greater, for the property to become the property of the museum, the museum shall first exercise due diligence in attempting to notify the owner via certified mail, return receipt requested, to the owner's last known address and via electronic communication if appropriate. If an address is unavailable or these attempts fail, the museum shall cause to be published in at least one newspaper of general circulation in the county in which the museum is located at least once a week for 2 consecutive weeks a notice and listing of the property. The notice must contain:

A. The name and last known address, if any, of the last known owner of the property; [PL 1981, c. 258 (NEW).]

B. A description of the property; [PL 2011, c. 263, §1 (AMD).]

C. A statement that if proof of claim is not presented by the current owner to the museum and if the owner's right to receive the property is not established to the museum's satisfaction within 65

days from the date of the 2nd published notice, the property is considered abandoned and becomes the property of the museum; [PL 2011, c. 263, §1 (AMD).]

D. The date of the loan of the property, if known, or the approximate date the property came into the custody of the museum; [PL 2011, c. 263, §1 (NEW).]

E. The name of the museum; and [PL 2011, c. 263, §1 (NEW).]

F. The name, address and contact information of the appropriate museum official or office to be contacted regarding the property. [PL 2011, c. 263, §1 (NEW).]

[PL 2011, c. 263, §1 (AMD).]

3. Title to property. If property is abandoned under subsection 1, including property with respect to which notice under subsection 2 is required if no claim has been made to the property within 65 days from the date of the 2nd published notice, title to the property vests in the museum, free from all claims of the previous owner and of all persons claiming through or under the previous owner.

[PL 2011, c. 263, §1 (AMD).]

4. Emergency conservation measures. Unless a written loan agreement provides otherwise, a museum may apply conservation measures to, or dispose of, undocumented property or property on loan to the museum without the owner's permission if:

A. Immediate action is required to protect the undocumented property or property on loan; or [PL 2011, c. 263, §1 (NEW).]

B. The undocumented property or the property on loan has become a hazard to the health or safety of the public or to the museum's staff and at least one of the following applies:

(1) The property poses an immediate risk of harm to the museum's staff or collection or to the general public, in which case the museum may dispose of the property without delay and shall notify the owner of the action taken within 30 days;

(2) The museum is unable to reach the owner through available means of communication and action with respect to the property is necessary within 30 days; and

(3) The museum contacts the owner and the owner does not agree to the protective measures the museum recommends and does not, or is unable to, terminate the loan and collect the property within the time the museum determines the action is necessary. [PL 2011, c. 263, §1 (NEW).]

[PL 2011, c. 263, §1 (NEW).]

5. Protection for reasonable actions. Unless a written loan agreement provides otherwise, a museum that applies conservation measures to or disposes of loaned property in accordance with subsection 4:

A. Shall acquire and may enforce a lien on the loaned property in the amount of the costs incurred by the museum; [PL 2011, c. 263, §1 (NEW).]

B. Is not liable to the owner for damage to, or loss of, the loaned property as long as the museum had a reasonable belief at the time the action was taken that the action was necessary; and [PL 2011, c. 263, §1 (NEW).]

C. Is not liable to the owner for damage to, or loss of, the loaned property due to conservation measures applied, as long as the museum exercised reasonable care in choosing and applying the conservation measures. [PL 2011, c. 263, §1 (NEW).]

[PL 2011, c. 263, §1 (NEW).]

SECTION HISTORY

PL 1981, c. 258 (NEW). PL 2003, c. 20, §T16 (AMD). PL 2011, c. 263, §1 (AMD). PL 2019, c. 498, §17 (AMD).

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