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).

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