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1999

## **Maine State Library 1999 Program Evaluation Report; Published Pursuant to the Government Evaluation Act**

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**MAINE STATE LIBRARY**  
**1999 PROGRAM EVALUATION REPORT**

Published pursuant to the Government Evaluation Act



# **GOVERNMENT EVALUATION ACT**

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#### WESTLAW Electronic Research

WESTLAW supplements Maine Revised Statutes Annotated and is useful for additional research. Enter a citation in Insta-Cite for display of any parallel citations and case history. Enter a constitution, statute or rule citation in a case law database for cases of interest.

Example query for Insta-Cite: IC 420 A.2d 928

Example query for state Constitution:

Const. Constitution /s 6 VI +3 3

Example queries for statute:

32 +s 4056

17-A +s 402

Example queries for court rules:

M.R.C.P. M.R.Civ.P. Civ.Proc. Civil /3 51

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Also, see the WESTLAW Electronic Research Guide following the Preface.

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## CHAPTER 1 STATE LIBRARY

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### SUBCHAPTER I STATE LIBRARIAN

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3. Books lent.
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4-A. Revolving Fund.
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6. Reports from counties, cities and towns.

#### § 1. Salary; duties

The Maine State Library shall be under the management and supervision of a State Librarian, as heretofore appointed, 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.

The librarian may employ, subject to the Civil Service Law<sup>1</sup> and the approval of the Commissioner of Educational and Cultural Services, a deputy state librarian, and such assistants as the business of the office may require.

R.S.1954, c. 42, § 1; 1971, c. 610, § 13; 1975, c. 771, § 290, eff. Jan. 4, 1977; 1985, c. 785, § B, 123, eff. July 1, 1986.

<sup>1</sup> See § 7039 of title 5.

#### Historical Note

Laws 1971, c. 610, repealed the second sentence of the first paragraph, which read: "The Governor, with the advice and consent of the Council, shall appoint such librarian who shall serve for a term of 4 years, and until his successor is duly appointed and qualified.", and in the second paragraph, inserted "and the approval of the Commissioner of Educational and Cultural Services".

Laws 1975, c. 771, in the second sentence, deleted "and Council" following "the Governor".

Laws 1985, c. 785, in the second paragraph, substituted "Civil Service" for "Personnel".

Savings clause. For savings clause provisions of Laws 1985, c. 785, § B, 182, see the Historical Note under title 25, § 1501.

#### Library References

States 60(1), 73.  
C.J.S. States §§ 104 et seq., 130 et seq.

§ 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;
- B. Histories of all countries;
- C. Family histories;
- D. Works on the arts and sciences, with special reference to agriculture, forestry, fishing, manufacturers, shipbuilding and road making;
- 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;
- F. Full and complete sets of all the documents printed by the State; and
- G. Full and complete sets of the reports of the towns, cities and counties of this State.

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
- B. Provide a service which will collect state and national educational research and resources to be made available to all State educators and citizens.

R.S.1954, c. 42, § 2; 1971, c. 480, § 5; 1979, c. 541, § A, 185, eff. June 22, 1979; 1985, c. 499.

Historical Note

Laws 1971, c. 480, in the first sentence, deleted "digests, law reports and public laws of the United States and of the several states; English and Canadian law reports, digests and laws; general works of law and practice;" following "State Library".

Laws 1979, c. 541, repealed and replaced this section, which prior thereto read:

"There shall be procured and kept in the State Library histories of all countries, including those of this State, its counties and towns; family histories; works on the arts and sciences with special reference to agriculture, forestry, fishing, manufacturers, shipbuilding and road making; maps, charts, plans and manuscripts, statistical and other publications relating to the finan-

cial, social, religious and educational condition of the world and more especially to this State, as fast as means are furnished by the State therefor; full and complete sets of all the documents printed by the State; and full and complete sets of the reports of the towns, cities and counties of this State. For the purpose of carrying out this section, the library may conduct a system of exchanges with other libraries and institutions of learning."

Laws 1985, c. 499, repealed and replaced subsec. 2, which prior thereto read:

"For the purpose of carrying out this section, the State Librarian may conduct a system of exchanges with other libraries and institutions of learning."

Cross References

Reporter of the law court, duties, see title 4, § 702.  
State Archivist, see title 5, § 91 et seq.



## Library References

States ~~88~~.  
C.J.S. States § 147.

## § 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. R.S.1954, c. 42, § 4; 1971, c. 127, § 1.

## Historical Note

Laws 1971, c. 127, in the second sentence, deleted "for lending traveling libraries and" following "charge".

## § 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.

R.S.1954, c. 42, § 6; 1961, c. 317, § 90.

## Library References

States ~~88~~192.  
C.J.S. States § 308.

## § 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.

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.

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.

1981, c. 496.

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Library References

States ⇨127.  
C.J.S. States § 228.

§ 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.

1983, c. 517, § 1.

Library References

States ⇨88.  
C.J.S. States § 147.

§ 5. Annual report

The State Librarian shall report to the Commissioner of Educational and Cultural Services annually the receipts and expenditures on account of the library, the number of acquisitions during the preceding year, specifying those obtained by purchase, donation and exchange and shall make in such report suggestions in relation to the improvement of the library.

R.S.1954, c. 42, § 14; 1955, c. 185, § 3; 1971, c. 610, § 14.

Historical Note

Laws 1971, c. 610, substituted "Commissioner for "Legislature biennially", and substituted of Educational and Cultural Services annually" "preceding year" for "2 preceding years".

§ 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.

R.S.1954, c. 42, § 15.

Library References

Counties ⇨90.  
Municipal Corporations ⇨170.  
Towns ⇨31.

C.J.S. Counties § 143.  
C.J.S. Municipal Corporations § 545.  
C.J.S. Towns § 79 et seq.

SUBCHAPTER II  
OPERATION AND SERVICES

Section

- 31. Library hours.
- 32. Historical research.
- 33. Repealed.
- 34. Library extension.
- 35. Repealed.

**Section**

- 36. Advice to local libraries; gifts; schools of library instruction.
- 37. Bookmobile service.
- 38. Compliance with federal law.
- 39. Statewide Library Information System.

**§ 31. Library hours**

The State Librarian shall keep the library open at least 35 hours per week. Neither the State Director of Public Improvements nor any of the state employees under his jurisdiction shall admit anyone to the library rooms out of library hours or permit any book to be taken therefrom without the consent of the librarian.

R.S.1954, c. 42, § 3; 1959, c. 363, § 33; 1973, c. 626, § 1.

**Historical Note**

Laws 1973, c. 626 repealed and replaced the 9 in the morning until 4 in the afternoon on first sentence, which prior thereto read: "The every day, except Saturdays, Sundays and public State Librarian shall keep the library open from holidays."

**Cross References**

Supervision of State House and grounds, see title 5, § 1742.

**Library References**

States ~~88~~.

C.J.S. States § 147.

**§ 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.

R.S.1954, c. 42, § 7.

**Cross References**

State archivist, see title 5, § 91 et seq.

State Historian, see § 261 et seq. of this title.

**§ 33. Repealed. Laws 1971, c. 480, § 6****Historical Note**

The repealed section, derived from R.S.1954, c. 42, § 8, related to maintenance of a legislative reference section.

**§ 34. Library extension**

The State Librarian shall maintain a library development section which shall carry on such activities as are enumerated in sections 36 and 37.

R.S.1954, c. 42, § 9; 1971, c. 127, § 2; 1973, c. 626, § 2.

Historical Note

Laws 1971, c. 127, substituted "sections 36 and 37" for "sections 35 and 36".

Laws 1973, c. 626, inserted "library development", and deleted "of library extension" following "section".

§ 35. Repealed. Laws 1971, c. 127, § 3

Historical Note

The repealed section, derived from R.S.1954, c. 42, § 5, related to traveling libraries.

§ 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 which may propose to establish libraries, as to the best means of establishing and administering them, 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. It shall formulate and present to the Legislature a plan for state-wide library development and it shall be designated as the agency for the administration of said plan and shall be granted the authority to administer said plan on behalf of the State. It may receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given. It 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. It may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the State, and cooperate with others in such schools or institutes. It shall perform such other library service as it may consider for the best interests of the citizens of the State.

R.S.1954, c. 42, § 11; 1955, c. 185, § 2; 1971, c. 480, § 7; 1973, c. 626, § 3.

Historical Note

Laws 1971, c. 480, in the first sentence, deleted "and county law" following "institutional and public".

Laws 1973, c. 626, inserted the second sentence.

Library References

States ⇨73.

C.J.S. States § 130 et seq.

§ 37. Bookmobile service

In furtherance of, and in addition to, the powers given in section 36, the State Librarian is authorized and empowered to provide bookmobile service for residents of the State.

R.S.1954, c. 42, § 13; 1973, c. 626, § 4.

## Historical Note

Laws 1973, c. 626, at the end of the section, deleted "especially to rural schools and farm homes."

## § 38. Compliance with federal law

The State Librarian, with the approval of the Governor, may make any regulation 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 Bureau 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.

R.S.1954, c. 42, § 12; 1975, c. 771, § 291, eff. Jan. 4, 1977; 1981, c. 464, § 28, eff. June 16, 1981.

## Historical Note

Laws 1975, c. 771, in the first sentence, deleted "and Council" following "the Governor".

Laws 1981, c. 464, inserted the second sentence.

## Cross References

Federal aid under Interstate Library Compact, see § 149 of this title.

## United States Code Annotated

Public library services and construction, see 20 U.S.C.A. § 351 et seq.

## § 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 enriches the economic, educational and cultural life of each Maine community. Citizen access to materials purchased with public dollars requires that materials be identifiable by title and physical location. It is in the public interest that the Maine State Library Bureau promote and assist access by recording the holdings of Maine libraries in a form accessible by modern information technology. In this way, the educational and informational resources of the State will be available to every citizen.

2. **Legislative intent.** Recognizing the value of broad citizen access to library materials and recognizing that automated records are essential to the use of technology, the State assigns to the Maine State Library Bureau the responsibility of collecting the holding records of libraries throughout Maine and making them accessible in machine-readable form. It is the State's intent that these records be shared with any citizen or library on request. It is the intent of the Legislature to provide the Maine State Library Bureau with the resources necessary to carry out this section.

1987, c. 462.

SUBCHAPTER III  
DISTRIBUTION OF BOOKS AND RECORDS

Section

- 61 to 65. Repealed.  
66. Reports of departments and institutions.  
67, 68. Repealed.  
69. Purchase and distribution of Maine histories.

§§ 61 to 65. Repealed. Laws 1971, c. 480, § 8

Historical Note

Section 61, derived from R.S.1954, c. 42, § 20 and Laws 1955, c. 185, § 8, related to the distribution of Maine Reports by the State Librarian.

Section 62, relating to the distribution and sale of Revised Statutes, was derived from:

R.S.1954, c. 42, § 22.  
Laws 1955, c. 185, § 9.  
Laws 1965, c. 425, § 17.

Section 63, authorizing the State Librarian to fix the price of volumes of a revision of the statutes, was derived from:

R.S.1954, c. 42, § 23.  
Laws 1953, c. 425, § 1.  
Laws 1955, c. 185, §§ 10, 16.

Section 64, derived from R.S.1954, c. 42, § 24, related to the disposition of proceeds from the sale of revision of the statutes.

Section 65, relating to the recipients of compilations or revisions of the statutes, was derived from:

R.S.1954, c. 42, § 25.  
Laws 1953, c. 427, §§ 1, 3.  
Laws 1955, c. 185, §§ 11, 16.  
Laws 1965, c. 425, § 18.  
Laws 1969, c. 37.

For provisions relating to the subject matter of the repealed sections, see § 173 of title 3.

§ 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. He 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 his judgment seems proper. He shall maintain a document room in which shall 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.

R.S.1954, c. 42, § 26.

Library References

States ⇐73.  
C.J.S. States § 130 et seq.

§§ 67, 68. Repealed. Laws 1973, c. 626, § 5

Historical Note

Section 67, derived from R.S.1954, c. 42, § 27 and Laws 1967, c. 236, provided for the purchase of vital statistics to be deposited in the office of the Registrar of Vital Statistics.

Section 68, derived from R.S.1954, c. 42, § 28, provided for the distribution of records of vital statistics.

## § 69. Purchase and distribution of Maine histories

1. **Purchase.** The State Librarian shall purchase at least 25 copies, and may purchase up to 200 copies, of every town history or other book concerning the history of this State that is published in Maine. He shall purchase, within these limits, the number of copies required to meet the distribution requirements of subsection 2.

2. **Distribution.** The State Librarian shall retain sufficient copies of each history purchased under subsection 1 for the use of the State Library. The remaining copies shall be distributed without charge to all school, state, institutional and public libraries that request a copy. The State Librarian shall regularly publish and circulate to all these libraries a list of the histories available for distribution.

3. **Surplus.** The State Librarian may sell copies of each history that are not distributed under subsection 2. The State Librarian shall fix the price of sale at the retail price of the history. The Maine State Museum may sell these copies through its museum sales program, provided that the proceeds from the sale of these town histories shall not be used as required under section 89, and the complimentary publications required by that section shall not be required. All proceeds from the sales of these town histories shall be used to pay the costs of the distribution required under subsection 2, and any proceeds beyond these costs shall be used to meet the costs of purchase under subsection 1.

1977, c. 546, § 1.

**Library References**

States ⇄82 et seq.

C.J.S. States § 144 et seq.

## CHAPTER 3

### PUBLIC LIBRARIES

#### Section

101. Free public libraries established in towns.
102. Free public libraries established in village corporations.
103. Free use of library in adjoining towns authorized.
104. Towns uniting for libraries.
105. State aid for municipalities maintaining free public libraries.
106. Libraries controlled by associations assisted by towns.
107. Custody of public documents; list of books purchased.
108. Donation of books and gifts for foundation of library.
109. Gifts and devises to towns.

#### § 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.

R.S.1954, c. 42, § 29.

#### Cross References

Maine State Library, advice and assistance by, see § 36 of this title.

#### Library References

Towns ⇨35(1).  
C.J.S. Towns § 90 et seq.

#### WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

#### § 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.

R.S.1954, c. 42, § 30.

#### Library References

Municipal Corporations ⇨223.  
C.J.S. Municipal Corporations § 958 et seq.



§ 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.

R.S.1954, c. 42, § 31; 1955, c. 185, § 12.

Library References

Municipal Corporations ⇨861.  
C.J.S. Municipal Corporations § 1835.

§ 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.

R.S.1954, c. 42, § 32.

Cross References

Interlocal cooperation, see title 30, § 1951 et seq.

Library References

Towns ⇨85(1).  
C.J.S. Towns § 90 et seq.

§ 105. State aid for municipalities maintaining free public libraries

The officers of any municipality may certify to the State Librarian annually, before the first day of May, the amount of money appropriated and expended by said municipality during the preceding year for the benefit of a free public library established therein, or for the free use of a library in an adjoining town. Upon such certification the State Librarian, if satisfied with the quality of service performed by such library, shall approve for payment to such municipality an amount based on the following schedule:

On appropriations from \$200 to \$475, 10%;

On appropriations from \$476 to \$1,900, 7%;

On appropriations from \$1,901 to \$5,000, 4%.

No municipality shall receive annually less than \$20 nor more than \$200, except as otherwise provided. The state aid money must be spent for the purchase of books to be placed in said library.

If the appropriations of 2 or more towns for the use of the same library in an adjoining town amount to the sum of \$200 or more, the State Librarian may make payment of state aid on the same basis and for the same purpose prescribed above. Such payment shall be made to the municipality where the library is situated.

R.S.1954, c. 42, § 33; 1955, c. 185, § 13.

## Library References

States ~~§~~ 114.  
C.J.S. States § 203 et seq.

## Notes of Decisions

Basis for aid 1 \_\_\_\_\_

which payments shall be made by the State to the town. Atty.Gen.Report 1959-60, p. 41.

## 1. Basis for aid

The amount of money actually expended by a town for library purposes is the basis upon

## § 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 such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books. Such library shall then be considered a free public library within the meaning of this chapter and said town or city shall be entitled to the benefits of section 105.

R.S.1954, c. 42, § 34; 1955, c. 185, § 14.

## Cross References

Corporations without capital stock, see title 13, § 901 et seq.

## Notes of Decisions

Municipal aid 1 \_\_\_\_\_

long as the library upon the assurance of the municipal appropriation, makes its books available on a free basis to the inhabitants, so as to be considered a free public library; the law does not limit the use to which the appropriation may be made. Atty.Gen.Report 1963-64, p. 163.

## 1. Municipal aid

A municipality may make a general appropriation to a privately controlled or owned library, so

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

The officers of every free public library, on or before the first day of May of each year, shall send to the librarian of the State Library a report containing a list of all books and documents purchased with the state stipend for the preceding year. The aid from the State, provided by section 105, shall be withheld from any city, town or village corporation until the report required to be made shall have been received by the librarian of the State Library; and the same shall be withheld unless said report shall show that the laws and Maine Reports furnished by the State are kept constantly in said library for the free use and benefit of all the citizens.

R.S.1954, c. 42, § 35; 1955, c. 185, § 15.

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

Whenever a municipality shall purchase books to aid in the establishment of a free public library, the State Librarian shall make a gift of money or new books

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Ch. 3

27 § 109  
Note 2

to such library; the gift to equal 50% of the value of the books purchased by said municipality for said purpose, and in no instance to exceed \$100.

R.S.1954, c. 42, § 36.

§ 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.

R.S.1954, c. 42, § 37.

Library References

Towns ⇐35(1).

C.J.S. Towns § 90 et seq.

Notes of Decisions

Authority to accept 1

Voters' refusal to accept 2

facturers Nat. Bank v. Woodward (1941) 138 Me. 70, 21 A.2d 705.

City of Belfast had authority to take pecuniary and furniture bequests for library reading room. Buzzell v. City of Belfast (1932) 131 Me. 185, 160 A. 21.

1. Authority to accept

Where testator gave house and lot and contents of house to town for use as a public library and provided that residue of estate should be kept as a permanent fund, income of which should be used in keeping the buildings in repair and purchasing library books and named executor as trustee of fund, town under this section had authority to receive in trust either real and chattel property disposed of by the will. Manu-

2. Voters' refusal to accept

Where testator gave house and lot to town for use as a public library if town by vote of voters refused to act as trustee, equity would name a trustee to act in its stead so that trusts intended to be established by testator could be carried into effect according to terms of the will. Manufacturers Nat. Bank v. Woodward (1941) 138 Me. 70, 21 A.2d 705.

## CHAPTER 4

### REGIONAL LIBRARY SYSTEMS

#### Section

- 110. Definitions.
- 111. Regional library development.
- 112. — functions.
- 113. Library districts.
- 114. District council.
- 115. Area reference and resource centers.
- 116. Research centers.
- 117. District consultants.
- 118. School libraries and media center.
- 119. Distribution of appropriations.

*Chapter 4, Regional Library Systems, was enacted by Laws 1973, c. 626, § 6.*

#### § 110. Definitions

In this chapter, unless the context clearly requires a different meaning, the following words shall have the following meanings.

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.

2. Area reference and resource center. "Area reference and resource center" means a large public, school or academic library designated by the Commissioner of Educational and Cultural Services and the State Librarian and receiving state aid for the purpose of making its resources and services available without charge to all residents of the district, of providing supplementary library services to local libraries within the district, of coordinating the services of all local libraries within the district which by contract become part of the library district.

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.

4. District consultant. "District consultant" means one who acts as a general library consultant to one or more districts.

5. District council. "District council" means an advisory body representing a constituency of participating libraries within a geographical district.

6. District plan. "District plan" in entirety means a statement describing the specific purposes for which the district is formed, the means and the agencies by which such purposes are to be accomplished, and an estimate of the funds necessary to their accomplishment; also the public agency which is to receive those funds.

7. Library district. "Library district" means a defined geographic area consisting of local libraries joined cooperatively to an area reference and re-

source center and a research center. Local libraries within the district may also be joined cooperatively with other types of libraries.

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.

9. Media center. "Media center" means any library utilizing print as well as extensive nonprint resources and materials.

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.

11. Regional library system. "Regional library system" means a network of library districts 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.

12. Research center. "Research center" means any library designated as such by the Commissioner of Educational and Cultural Services and 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.

1973, c. 626, § 6; 1977, c. 125, § 1; 1981, c. 464, § 29, eff. June 16, 1981.

#### Historical Note

Laws 1977, c. 125, in subsec. 4, substituted "one" for "a Maine State Library employee".	"District council. 'District council' means an advisory body serving as a policy-making authority for a constituency of participating libraries within a geographical district."
Laws 1981, c. 464, repealed and replaced subsec. 5, which prior thereto read:	

#### Library References

States ⇐45.  
C.J.S. States § 79 et seq.  
Words and Phrases (Perm.Ed.)

### § 111. Regional library development

1. Maine Library Commission. There shall be created within the Department of Educational and Cultural Services a library commission which shall be designated as the Maine Library Commission, as established by Title 5, section 12004, subsection 10. It shall consist of 15 members appointed by the Governor. The library commission shall be broadly representative of the state's libraries and shall consist of a representative from public, school, academic, special, institutional and handicapped libraries, a trustee representative, one representative from each of the library districts as they are formed and 3 representatives from the State at large of whom one shall be representative of the disadvantaged.

The term of each appointed member shall be 5 years or until his successor is appointed and qualified. Of the members first appointed, 3 shall be for one year, 3 for 2 years, 3 for 3 years, 3 for 4 years and 3 for 5 years. Subsequent appointments shall be for the full term of 5 years. No members 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 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 chairman for a term of 2 years and frame and modify bylaws for its internal organization and operation. The State Librarian shall serve as secretary to the commission. The members of the commission shall be compensated according to the provisions of Title 5, chapter 379<sup>1</sup>.

1973, c. 626, § 6; 1983, c. 245; 1983, c. 812, § 168.

<sup>1</sup> Section 12001 et seq. of title 5.

#### Historical Note

Laws 1983, c. 245, inserted the third paragraph.

Laws 1983, c. 812, in the first sentence of the first paragraph, inserted “, as established by Title 5, section 12004, subsection 10”, and in the fourth sentence of the fourth paragraph, substituted “be compensated according to the provi-

sions of Title 5, chapter 379” for “serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties”.

Savings clause. For savings clause provision of Laws 1983, c. 812, § 302, see the Historical Note under title 25, § 2801.

#### Cross References

Advisory boards and boards with minimal responsibility, powers and responsibilities, compensation, see title 5, § 12004-I.

#### Library References

States ⇌ 45.

C.J.S. States § 79 et seq.

### § 112. — functions

The library commission shall:

1. **Appointment of State Librarian.** Give advice and make recommendations to the Commissioner of Educational and Cultural Services with regard to the appointment of the State Librarian;

2. **Policies.** Give advice and make recommendations to the Commissioner of Educational and Cultural Services with regard to: 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 districts and their boundaries, the designation of area reference and resource centers and the designation of research centers after full consideration of the advice of the district council;

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

4. Federal program. Serve as the State Advisory Council on Libraries and in that capacity give advice and make recommendations to the Commissioner of Educational and Cultural Services 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.

1973, c. 626, § 6; 1977, c. 125, § 2.

Historical Note

Laws 1977, c. 125, added subsec. 4.

Library References

States ⇐66.

C.J.S. States § 120 et seq.

§ 113. Library districts

Upon the advice of the Maine Library Commission, the State shall be divided into as many districts as the commissioner shall determine are required and shall establish or modify the geographical boundaries of each district.

1973, c. 626, § 6.

§ 114. District council

Each library district shall have an advisory council which shall be known as the district council.

1. Membership. The governing board of each library which has agreed to participate in the district system shall appoint a representative to the district council. The district council shall elect an executive board composed of 9 members and shall distribute this membership among librarians, trustees and lay members. The district executive board shall elect from its number the appropriate officers as needed. The district council shall meet at least twice a year.

2. Duties. The district council shall:

A. Serve as an advisory body for the districts.

B. Develop and evaluate a program of services in the district which will encourage cooperative activity among all types of libraries and media centers;

C. Provide liaison among the municipalities in the district;

D. Make recommendations to the Maine Library Commission which would in turn make recommendations to the commissioner regarding programs and services which would help to make libraries and media centers in the district accessible to all;

E. Assist in the development of a comprehensive district plan.

F. Advise on the selection of an area reference and resource center and a research center for the district.

1973, c. 626, § 6; 1977, c. 125, §§ 3, 4; 1981, c. 464, § 30, eff. June 16, 1981.

#### Historical Note

Laws 1977, c. 125, repealed and replaced subsec. 1, which prior thereto read:

"Membership. The governing board of each library which has contracted to participate in the district system shall appoint a representative to the district council. At its first annual meeting the district council shall elect an executive board composed of, in total, 9 members, which shall include 3 librarians, one trustee and 5 lay members. The district executive board shall elect from its number the appropriate officers as

needed. The district council shall meet at least 3 times a year";

and in par. E of subsec. 2, deleted "based upon community plans of service" following "district plan".

Laws 1981, c. 464, repealed and replaced par. A of subsec. 2, which prior thereto read:

"Serve as a policy-making body for the district within the limits of its authority which shall in no way diminish the power of the local library board;".

### § 115. Area reference and resource centers

Each district shall be affiliated with an area reference and resource center which shall be designated by the commissioner, with the advice of the library commission.

#### 1. Duties. The area reference and resource center may:

- A. Provide a common borrower's card for member libraries;
- B. Participate with the district consultant in planning and conducting workshops on community-library planning;
- C. Provide office space and support services to the extent able to the district consultant;
- D. Join with the district council in assigning priorities to implement the district plan;
- E. Such other cooperative activities and services as member libraries may need or require.

1973, c. 626, § 6.

### § 116. Research centers

Research centers may be designated by the commissioner with the advice of the Library Commission.

#### 1. Duties. The research center shall:

- A. Provide for advanced research needs;
- B. Act as a back-up collection for the specialized reference needs of the reference and resource centers;
- C. Provide such other cooperative activities and services as member libraries may need or require.

1973, c. 626, § 6.



§ 117. District consultants

The State Librarian, with the advice of the district council, shall appoint a staff member, or contract with an area reference and resource center, to provide district consultant services to one or more districts as determined by the policies established by the commissioner.

1. Duties. The district consultant shall serve as secretary of the district council and further shall:

- A. Serve as a professional consultant to libraries within the district or districts;
- B. Study the needs of the district and make recommendations to the district council;
- C. Coordinate services among libraries of all types;
- D. Provide liaison between the district, other districts and the Maine State Library;
- E. Encourage local initiative and commitment to regional cooperative library service;
- F. Work with area reference and resource center staff members in planning area reference and interlibrary loan service; and
- G. Help evolve a district plan of service.

1973, c. 626, § 6; 1977, c. 125, §§ 5, 6; 1981, c. 464, §§ 31 to 33, eff. June 16, 1981.

Historical Note

Laws 1977, c. 125, repealed and replaced the first paragraph, which prior thereto read:

"The State Librarian, with the advice of the district council, shall appoint a staff member to serve as a district consultant to one or more districts as determined by the policies established by the commissioner."

and repealed and replaced par. G of subsec. 1, which prior thereto read:

"Help evolve community based plans of service."

Laws 1981, c. 464, repealed and replaced the first paragraph of subsec. 1, which prior thereto read:

"The district consultant shall be an ex officio, nonvoting member of the district council and shall serve as secretary and further shall:"

in par. D of subsec. 1, substituted "the Maine State Library" for "state agencies"; and repealed and replaced par. F of subsec. 1, which prior thereto read:

"Assist in planning for area reference and interlibrary loan service;"

§ 118. School libraries and media center

Any school library or media center in a community with no public library service, or serving communities with no public libraries, which agrees to offer service as a public library, is entitled to all the benefits accruing to a public library with the approval of the commissioner.

1973, c. 626, § 6.

Library References

Schools ⇐76.

C.J.S. Schools and School Districts § 269.

## § 119. Distribution of appropriations

The Commissioner of Educational and Cultural Services, with the advice of the Maine Library Commission, is authorized to apportion funds appropriated by the Legislature for the support of regional library systems.

1977, c. 125, § 7; 1977, c. 555, § 1; 1977, c. 564, § 100; 1977, c. 690, § 15, eff. March 30, 1978.

## Historical Note

Laws 1977, cc. 125 and 555 enacted this section; c. 564 repealed and replaced this section as enacted by c. 125, which in effect adopted the text as enacted by Laws 1977, c. 555.

As enacted by Laws 1977, c. 125, this section read:

"The Commissioner of Educational and Cultural Services, with the advice of the Maine Library Commission, is authorized to distribute on a per

capita basis, in support of local library services, moneys appropriated by the Legislature for that purpose."

Laws 1977, c. 690, repealed and replaced this section, which prior thereto read:

"The Commissioner of Educational and Cultural Services is authorized to apportion funds appropriated by the Legislature for the support of regional library systems."

## Library References

States ⇌123, 132.

C.J.S. States §§ 226, 230 et seq.

## CHAPTER 4-A LIBRARY RECORDS

### Section

121. Confidentiality of library records.

*Chapter 4-A, Library Records, was enacted by Laws 1983, c. 208.*

### § 121. Confidentiality of library records

Records maintained by any public municipal library, including the Maine State Library, which contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library, shall be confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

Public municipal libraries shall have up to 5 years from the effective date of this chapter to be in compliance with this section.  
1983, c. 208.

### Library References

Records ⇨ 54.  
C.J.S. Records § 36.

### WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

## CHAPTER 5

### INTERSTATE LIBRARY COMPACT

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#### SUBCHAPTER I

#### COMPACT

Sec.
141. Policy and purpose—Article I.
142. Definitions—Article II.
143. Interstate library districts—Article III.
144. —governing board—Article IV.
145. State library agency cooperation—Article V.
146. Library agreements—Article VI.
147. Approval of library agreements—Article VII.
148. Other laws applicable—Article VIII.
149. Appropriations and aid—Article IX.
150. Compact administrator—Article X.
151. Entry into force and withdrawal—Article XI.
152. Construction and severability—Article XII.

#### § 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.

1963, c. 144.

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### Complementary Legislation:

Ala.—Code of Ala., Tit. 55, §§ 284(11) to 284(16).

Ark.—Ark.Stats. §§ 6-310 to 6-315.

Colo.—1969 Perm.Supp. C.R.S. 74-10-1 to 74-16-7.

Conn.—C.G.S.A. §§ 11-38 to 11-43.

Fla.—F.S.A. §§ 257.28 to 257.33.

Idaho—I.C. §§ 33-2504 to 33-2509.

Ill.—S.H.A. ch. 81, §§ 101 to 104.

Ind.—I.C.1971, 20-13-20-1 to 20-13-20-4.

Iowa—I.C.A. §§ 303A.8 to 303A.11.

La.—LSA-R.S. 25:631 to 25:636.

Md.—Code 1957, art. 77, §§ 166A, 166B.

Mass.—M.G.L.A. c. 78 App. §§ 1-1 to 1-6.

Minn.—M.S.A. §§ 134.21 to 134.24.

Miss.—Laws 1970, c. 459.

Mont.—R.C.M.1947, §§ 44-601, 44-602.

N.H.—RSA 201-B:1 to 201-B:6.

N.M.—1953 Comp. §§ 4-11-15 to 4-11-18.

N.Y.—McK.Educ.Law, § 297 note.

N.C.—G.S. §§ 125-12 to 125-17.

N.D.—NDCC 54-24.1-01 to 54-24.1-06.

Okl.—65 Okl.St. Ann. §§ 6-101 to 6-107.

Ore.—Laws 1965, c. 354.

R.I.—Gen.Laws 1956, §§ 29-5-1 to 29-5-6.

S.D.—SDCL 14-17-1 to 14-17-11.

Tenn.—P.A.1971, c. 371.

Vt.—22 V.S.A. §§ 21 to 45.

Va.—Acts 1970, c. 267.

Wash.—RCWA 27.18.010 to 27.18-050.

W.Va.—Code, 10-1A-1 to 10-1A-6.

Wis.—W.S.A. 43.52 note.

Wyo.—W.S.1957, §§ 9-212.9 to 9-212.14.

### Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

### Cross References

Interstate cooperation generally, see § 204 of Title 3.

### Library References

\*States ⇌ 6.

C.J.S. States § 10.

## § 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.

1963, c. 144.

### Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

**§ 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;

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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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

§ 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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

§ 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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

§ 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.



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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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

§ 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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

§ 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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

Cross References

Gifts and devises to towns for public libraries, see § 109 of this Title.

§ 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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

Cross References

Federal aid, see § 38 of this Title.  
State aid to libraries, see §§ 36, 105-108 of this Title.

§ 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 admin-

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istrator 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.

1963, c. 144.

**Historical Note**

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

**§ 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.

1963, c. 144.

**Historical Note**

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

**§ 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

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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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

SUBCHAPTER II

PROVISIONS RELATING TO COMPACT

Sec.

- 181. Ratification.
- 182. Library agreements by municipalities.
- 183. State library agency.
- 184. Interstate library district.
- 185. Compact administrator.
- 186. Renunciation.

§ 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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

Library References

States ⇌ 6.

C.J.S. States § 10.

§ 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,<sup>1</sup> 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.

1963, c. 144.

<sup>1</sup> Section 143, subsec. 3, G of this Title.

27 § 182 LIBRARIES, HISTORY & CULTURE Title 27

Historical Note

Derivation: R.S.1954, c. 42-A, as  
enacted by 1963, c. 144.

Cross References

Authority to raise or appropriate money for libraries, see § 5104 of Title 30.

§ 183. State library agency

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

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as  
enacted by 1963, c. 144.

§ 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.

1963, c. 144.

Historical Note

Derivation: R.S.1954, c. 42-A, as  
enacted by 1963, c. 144.

§ 185. Compact administrator

The State Librarian shall be the compact administrator pursuant to Article X of the compact.<sup>1</sup> The deputy state librarian shall be deputy compact administrator pursuant to said article.

1963, c. 144.

<sup>1</sup> Section 150 of this Title.

Ch. 5 INTERSTATE LIBRARY COMPACT 27 § 186

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

§ 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.<sup>1</sup>

1963, c. 144.

<sup>1</sup> Section 151, subsec. 2 of this Title.

Historical Note

Derivation: R.S.1954, c. 42-A, as enacted by 1963, c. 144.

## TITLE 27

### LIBRARIES, HISTORY, CULTURE AND ART

Chapter	Section
18.	Maine State Cultural Affairs Council ..... 551

#### WESTLAW Computer Assisted Legal Research

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- retrieve direct history, precedential history and parallel citations with the Insta-Cite service

For more information on using WESTLAW to supplement your research, see the WESTLAW Electronic Research Guide, which follows the Preface.

#### CHAPTER 1

#### STATE LIBRARY

#### SUBCHAPTER I

#### STATE LIBRARIAN

##### Section

1. Salary; duties.
5. Repealed.

#### § 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.

The librarian may employ, subject to the Civil Service Law<sup>1</sup> and the approval of the Maine Library Commission, a deputy state librarian, and such assistants as the business of the office may require.

1989, c. 700, § B-15.

<sup>1</sup> See 5 M.R.S.A. § 7039.

#### Historical and Statutory Notes

##### Amendments

1989 Amendment. Laws 1989, c. 700, § B-15, in addition to other technical changes, added reference to § 112 of this title substituted reference to the approval of the Maine Library Commission for that of the Commissioner of Educational and Cultural Services.

##### Change of Name

Laws 1989, c. 700, § B-50, provided:

"Wherever in the Maine Revised Statutes the phrase 'Maine State Library Bureau' appears or reference is made to that name, it shall be amended to read and mean the 'Maine State Library.'"

##### Transition

Laws 1989, c. 700, § B-45, provided:

## 27 § 1

"1. **Maine State Library.** The Maine State Library shall be the successor in every way to the powers, duties and functions of the former Maine State Library Bureau.

"2. **Rules, regulations and procedures.** All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Maine State Library Bureau, or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

"3. **Contracts; agreements; compacts.** All existing contracts, agreements and compacts currently in effect in the Maine State Library Bureau shall continue in effect.

"4. **Personnel.** Any positions, authorized and allocated subject to the personnel laws, to the former Maine State Library Bureau shall be transferred to the Maine State Library and may continue to be authorized.

"5. **Records, property and equipment.** All records, property and equipment previously belonging to or allocated for the use of the former

## LIBRARIES, HISTORY, CULTURE Title 27

Maine State Library Bureau shall become, on the effective date of this Act, part of the property of the Maine State Library.

"6. **Forms; licenses; letterheads.** All existing forms, licenses, letterheads and similar items bearing the name "Maine State Library Bureau" or which make reference thereto may be utilized by the Maine State Library until existing supplies of those items are exhausted."

### Fiscal Agent for Maine State Museum

Laws 1991, c. 780, § HH-1, provided:

"The Maine State Library shall serve as the fiscal agent for the Maine State Museum and as such, the Maine State Library business office is authorized to perform the Maine State Museum's business duties including, but not limited to, processing payment vouchers, processing contracts and encumbrance documents, preparing budget documents, and preparing human resource documents and personnel payrolls. The Director of the Maine State Museum is responsible for the daily operations of the museum."

## § 5. Repealed. Laws 1989, c. 700, § B-16

### Historical and Statutory Notes

The repealed section, which provided, among other things, that the State Librarian shall report to the Commissioner of Educational and Cultural Services annually the receipts and expenditures on account of the library, was derived from:

R.S.1954, c. 42, § 14.

Laws 1955, c. 185, § 3.

Laws 1971, c. 610, § 14.

## SUBCHAPTER II

### OPERATION AND SERVICES

#### Section

34. Library development.

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

#### Section

38. Compliance with federal law.

39. Statewide Library Information System.

## § 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:

1. **Media center standards.** Recommending school library media center standards and evaluation of programs;

2. **Certification of media professionals.** Assisting in the certification and recertification of school library media professionals;

3. **Project review.** Reviewing state funded school library media center construction and renovation projects;

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;

5. **School approval.** Assisting the Commissioner of Education with basic school approvals as it pertains to library instruction;

6. **School accreditation.** Assisting with local school accreditation visits;



7. **School library staff.** Providing leadership in staff development and continuing education of school library staff;

8. **Information for local school systems.** Providing educational research and resource information for local school systems;

9. **Video tape library.** Maintaining and providing a video tape library service for use by elementary and secondary education; and

10. **Related activities.** Related activities in cooperation with the Maine State Cultural Affairs Council.

1989, c. 700, § B-17.

#### Historical and Statutory Notes

##### Amendments

**1989 Amendment.** Laws 1989, c. 700, § B-17, repealed and replaced this section which, prior

thereto, provided that the State Librarian shall maintain a library development section which shall carry on such activities as are enumerated in sections 36 and 37.

#### § 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. 1991, c. 622, § V-1, eff. Dec. 23, 1991.

#### Historical and Statutory Notes

##### Amendments

**1991 Amendment.** Laws 1991, c. 622, § V-1, among other changes, authorized the Maine State Library to establish an endowment fund and required any funds given as an endowment to be invested by the Treasurer of State according to the laws governing the investment of trust funds.

##### Endowment Funds

Laws 1991, c. 622, § V-6, eff. Dec. 23, 1991, provided:

"It is the intent of the Legislature that the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine State Library and the Maine State Museum shall actively pursue the establishment of endowment funds."

#### § 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. 1989, c. 700, § A-108.

## Historical and Statutory Notes

## Amendments

1989 Amendment. Laws 1989, c. 700, § A-108, substituted reference to Maine State Library for Maine State Library Bureau.

## § 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.

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.

1989, c. 700, § A-109; 1995, c. 475, § A-1.

## Historical and Statutory Notes

## Amendments

1989 Amendment. Laws 1989, c. 700, § A-109, in subsecs. 1 and 2, substituted references to Maine State Library for Maine State Library Bureau.

1995 Amendment. Laws 1995, c. 475, § A-1, rewrote this section, which prior thereto read:

## “§ 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 enriches the economic, educational and cultural life of each Maine community. Citizen access to materials purchased with public dollars 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 the holdings of Maine libraries in a form accessible by modern information technology. In this way, the educational and informational resources of the State will be available to every citizen.

“2. **Legislative intent.** Recognizing the value of broad citizen access to library materials and recognizing that automated records are essential to the use of technology, the State assigns to the Maine State Library the responsibility of collecting

the holding records of libraries throughout Maine and making them accessible in machine-readable form. It is the State's intent that these records be shared with any citizen or library on request. It is the intent of the Legislature to provide the Maine State Library with the resources necessary to carry out this section.”

## Effective Dates

1995 Act. Laws 1995, c. 475, § A-2, provided:

“This Part takes effect only if the bond issue submitted pursuant to Part B of this Act is approved by the voters of this State.”

Part B of Laws 1995, c. 475, authorized the Treasurer of State, under the direction of the Governor, to issue bonds in an amount not exceeding \$4,905,316 to raise funds for a statewide library information system as authorized by Laws 1995, c. 475, § B-6. The \$4,905,316 bond issue specified in Part B of Laws 1995, c. 475, was contingent, pursuant to Laws 1995, c. 475, § B-7, upon approval by the legal voters of the state at the June 1996 primary election following passage of Laws 1995, c. 475, Part B. The legal voters of the state approved this bond issue at the June 1996 primary held June 11, 1996. On Aug. 5, 1996, the Governor signed a proclamation declaring the approval by the voters of the bond issue.

CHAPTER 2  
STATE MUSEUM  
SUBCHAPTER I  
GENERAL PROVISIONS

Section	Section
82. Maine State Museum Commission.	84-A. Museum director; appointment.
83. Powers and duties of Maine State Museum Commission.	85-A. Powers and duties of Museum Director.
	86-A. Historical materials.
	89. Publication fund.

§ 81. Declaration of policy

Historical and Statutory Notes

Change of Name

Laws 1989, c. 700, § B-49, provided:

"Wherever in the Maine Revised Statutes the phrase 'Maine State Museum Bureau' appears or

reference is made to that name, it shall be amended to read and mean the 'Maine State Museum.'"

§ 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. Of those members first appointed, 5 shall be appointed for terms of 2 years, 5 for 4 years and 5 for 6 years. Their successors shall be appointed for 6 years. Each member shall serve for the term of the appointment and thereafter until a successor is appointed and qualified. The commission shall elect a chair and vice-chair from its members. In case of the termination of a member's service during the term, the Governor shall appoint a successor for the unexpired term. Members shall be compensated according to the provisions of Title 5, chapter 379.<sup>1</sup>

1989, c. 503, § B, 113, eff. June 30, 1989; 1989, c. 700, § B-18.

<sup>1</sup> 5 M.R.S.A. § 12001 et seq.

Historical and Statutory Notes

Amendments

1989 Amendments. Laws 1989, c. 503, § B, 113, substituted reference to § 12004-G, subsec. 10 for reference to § 12004, subsec. 8.

Laws 1989, c. 700, § B-18, substituted reference to subsec. 7-C of § 12004-G for subsec. 10 of the same section, and added the provision stating that the commission shall elect a chair and vice-chair from its members.

Transition

Laws 1989, c. 700, § B-43, provided:

"1. **Maine State Museum.** The Maine State Museum shall be the successor in every way to the powers, duties and functions of the former Maine State Museum Bureau.

"2. **Rules, regulations and procedures.** All existing rules, regulations and procedures in effect, in operation or promulgated in or by the Maine State Museum Bureau, or in or by any administrative units or officers thereof, are hereby declared in effect and shall continue in effect until rescinded, revised or amended by the proper authority.

"3. **Contracts; agreements; compacts.** All existing contracts, agreements and compacts currently in effect in the Maine State Museum Bureau shall continue in effect.

"4. **Personnel.** Any positions, authorized and allocated subject to the personnel laws, to the former Maine State Museum Bureau shall be transferred to the Maine State Museum and may continue to be authorized.

"5. **Records, property and equipment.** All records, property and equipment previously belonging to or allocated for the use of the former Maine State Museum Bureau shall become, on the effective date of this Act, part of the property of the Maine State Museum.

"6. **Forms; licenses; letterheads.** All existing forms, licenses, letterheads and similar items bearing the name 'Maine State Museum Bureau' or which make reference thereto may be utilized by the Maine State Museum until existing supplies of those items are exhausted."

**§ 83. Powers and duties of Maine State Museum Commission**

The general powers and duties of the commission are:

1. **Administration.** To administer this chapter. In administering its provisions, the commission may formulate policies and exercise general supervision;
2. **Prescribe duties of Museum Director.** To prescribe the duties of the Museum Director;
3. **Delegate powers.** To delegate powers to the Museum Director necessary for the administration of this chapter;
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; and
5. **Establish fees.** To establish fees for admission to the Maine State Museum. All revenues derived from these fees must be reported and paid to the Treasurer of State as undedicated revenue to the General Fund.

1989, c. 700, § B-19; 1991, c. 622, §§ V-2, V-3, eff. Dec. 23, 1991.

**Historical and Statutory Notes****Amendments**

1989 Amendment. Laws 1989, c. 700, § B-19, in subsec. 4, substituted reference to Maine State Cultural Affairs Council for Legislature.

1991 Amendment. Laws 1991, c. 622, §§V-2, V-3, added subsec. 5.

**§ 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.

1989, c. 700, § B-20; 1991, c. 528, §§ E-30, RRR; 1991, c. 591, § E-30, eff. July 17, 1991.

**Historical and Statutory Notes****Codification**

Laws 1991, c. 528, § E-30, approved July 8, 1991, made changes to this section which were repealed by Laws 1991, c. 528, § RRR, eff. July 11, 1991. Laws 1991, c. 591, does not refer to Laws 1991, c. 528, but effects changes virtually identical to those made by Laws 1991, c. 528. For an understanding of the changes made temporarily by

Laws 1991, c. 528, § E-30, see the note below concerning Laws 1991, c. 591, § E-30.

**Amendments**

1991 Amendment. Laws 1991, c. 591, § E-30, substituted provision that the commission shall fix compensation for the director within salary range 88 for former provision that compensation shall be fixed by the Governor.

**§ 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:

*[See main volume for 1]*

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<sup>1</sup> 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;

*[See main volume for 3]*

**STATE MUSEUM**  
**Ch. 2**

**27 § 89**

**4. Acceptance of gifts, bequests, endowments and membership fees.** To accept gifts, 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, bequests and proceeds of endowment funds must be used solely to carry out the purposes for which they were made;

**5. Repealed.** Laws 1989, c. 700, § B-22.

*[See main volume for 6 to 13]*

1989, c. 700, §§ B-21, B-22; 1991, c. 780, §§ M-1, M-2.

<sup>1</sup> See 27 M.R.S.A. § 7039.

**Historical and Statutory Notes**

**Amendments**

**1989 Amendment.** Laws 1989, c. 700, § B-21, in subsec. 2, made references to the Museum Director gender-neutral wherever appearing and substituted reference to Maine State Museum Commission for Commissioner of Educational and Cultural Services.

Laws 1989, c. 700, § B-22, repealed subsec. 5 which required the Museum Director to report

biennially to the Governor and Legislature facts and recommendations relating to the work and needs of his office.

**1991 Amendment.** Laws 1991, c. 780, § M-1, in subsec. 2, allowed the director, with approval of the commission, to initiate a membership program to benefit the museum.

Laws 1991, c. 780, § M-2, in subsec. 4, included authority to accept membership fees.

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

**Historical and Statutory Notes**

**Endowment Funds**

Laws 1991, c. 622, § V-6, eff. Dec. 23, 1991, provided:

"It is the intent of the Legislature that the Maine Arts Commission, the Maine Historic Pres-

ervation Commission, the Maine State Library and the Maine State Museum shall actively pursue the establishment of endowment funds."

**§ 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.

*[See main volume for second and third paragraphs]*

1993, c. 361, § A-3.

**Historical and Statutory Notes**

**Amendments**

**1993 Amendment.** Laws 1993, c. 361, § A-3, among other changes, substituted "State House

and Capitol Park Commission" for "State Capitol Commission".

**§ 89. Publication fund**

**1. Revolving fund.** There is established within the Maine State Museum a revolving fund for the use of the museum to cover acquisition, printing and distribution costs for

## 27 § 89

## LIBRARIES, HISTORY, CULTURE Title 27

scientific, historical and educational literature and for services offered by the museum for which a charge is made. Income deposited in this fund from the membership program may be used to offset the costs of the membership program, support member activities and carry out the purposes of section 85-A.

*[See main volume for 2 to 4]*

1991, c. 780, § M-3.

### Historical and Statutory Notes

#### Amendments

**1991 Amendment.** Laws 1991, c. 780, § M-3, in subsec. 1, provided that income deposited in the

revolving fund from the membership program may be used to offset the costs of the membership program, support member activities, and carry out the purposes of § 85-A of this title.

## SUBCHAPTER III

### CONSERVATION AND PRESERVATION

#### Section

95. Annual appropriation.

#### § 95. Annual appropriation

An annual appropriation shall be made for the conservation and preservation of historically significant Maine State Library research material.

*[See main volume for 1]*

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

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

1989, c. 700, § B-23.

### Historical and Statutory Notes

#### Amendments

**1989 Amendment.** Laws 1989, c. 700, § B-23, in subsec. 2, substituted reference to the Maine Library Commission for commissioner, and deleted

the provision which stated that all proposals and grants shall be reviewed and have the advice of the Maine Library Commission; and, in subsec. 3, substituted reference to Maine State Library for Maine State Library Bureau.

## CHAPTER 3

### PUBLIC LIBRARIES

#### § 101. Free public libraries established in towns

#### Notes of Decisions

##### Rental fees 1

##### 1. Rental fees

A town public library may not charge a rental fee for the use of videocassettes because, under

§ 101 et seq. of title 27, the legislature has explicitly mandated "free public libraries" and "free use of a library." Op.Atty.Gen. No. 90-4, March 21, 1990.

§ 104. Towns uniting for libraries

Cross References

Interlocal cooperation, see 30-A M.R.S.A.  
§ 2201 et seq.

CHAPTER 4

REGIONAL LIBRARY SYSTEMS

Section	Section
110. Definitions.	113. Library districts.
111. Regional library development.	115. Area reference and resource centers.
112. —functions.	118. School libraries and media center.
	119. Distribution of appropriations.

§ 110. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

*[See main volume for 1]*

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 of the district, of providing supplementary library services to local libraries within the district and of coordinating the services of all local libraries within the district that by contract become part of the library district.

*[See main volume for 3 to 11]*

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.

1989, c. 700, §§ B-24, B-25; R.R.1991, c. 2, § 101.

Historical and Statutory Notes

Codification

Revisor's Report 1991, c. 2, § 101, in subsec. 2, made grammatical and punctuation changes.

Amendments

1989 Amendment. Laws 1989, c. 700, § B-24, rephrased the first par. which formerly read:

“In this chapter, unless the context clearly requires a different meaning, the following words shall have the following meanings.”

Laws 1989, c. 700, § B-25, in subsecs. 2 and 12, deleted references to the Commissioner of Educational and Cultural Services as designating libraries to be “area reference and resource center” or “research center”, as the case may be, but retained references to being designated by the State Librarian.

§ 111. Regional library development

1.<sup>1</sup> **Maine Library Commission.** There is created the Maine Library Commission, as established by Title 5, section 12004-G, subsection 7-E. It consists of 15 members appointed by the Governor. The library commission must be broadly representative of the State's libraries and consist of a representative from public, school, academic, special, institutional

and handicapped libraries, a trustee representative, one representative from each of the library districts as they are formed and 3 representatives from the State at large of whom one must be a representative of the disadvantaged.

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

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

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

1989, c. 503, § B, 114, eff. June 30, 1989; 1989, c. 700, § B-26; 1993, c. 349, § 57, eff. June 16, 1993.

<sup>1</sup> No subsec. 2 was enacted.

<sup>2</sup> 5 M.R.S.A. § 12001 et seq.

#### Historical and Statutory Notes

##### Amendments

**1989 Amendments.** Laws 1989, c. 503, § B, 114, in subsec. 1, substituted reference to § 12004-I, subsec. 14, for reference to § 12004, subsec. 10, and in sentence beginning "It shall elect", substituted "chair" for "chairman".

Laws 1989, c. 700, § B-26, in subsec. 1, rephrased the first sentence of the opening paragraph which formerly provided that there shall be creat-

ed within the Department of Educational and Cultural Services a library commission which shall be designated as the Maine Library Commission, and substituted reference to § 12004-G, subsec. 7-E for § 12004-I, subsec. 14; and, in the paragraph which provides that the commission shall meet at least 4 times a year, added reference to vice-chair.

**1993 Amendment.** Laws 1993, c. 349, § 57, in subsec. 1, substituted "must" for "shall" whenever appearing, and made other technical word changes.

#### § 112. —functions

The library commission shall:

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;

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 districts and their boundaries, the designation of area reference and resource centers and the designation of research centers after full consideration of the advice of the district council;

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

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.

1989, c. 700, §§ B-27, B-28; 1991, c. 528, §§ E-31, RRR; 1991, c. 591, § E-31, eff. July 17, 1991; R.R.1991, c. 2, § 102.



Historical and Statutory Notes

Codification

Laws 1991, c. 528, § E-31, approved July 8, 1991, made changes to this section which were repealed by Laws 1991, c. 528, § RRR, eff. July 11, 1991. Laws 1991, c. 591, does not refer to Laws 1991, c. 528, but effects changes virtually identical to those made by Laws 1991, c. 528. For an understanding of the changes made temporarily by Laws 1991, c. 528, § E-31, see the note below concerning Laws 1991, c. 591, § E-31.

Revisor's Report 1991, c. 2, § 102, in subsec. 3, substituted "; and" for a period at the end.

Amendments

1989 Amendment. Laws 1989, c. 700, § B-27, in subsec. 1, replaced the provision which formerly required advice and recommendations with regard

to the appointment of the State Librarian; in subsec. 2, deleted requirement to give advice and make recommendations to the Commissioner of Educational and Cultural Services with regard to policies and in lieu thereof added reference to establishing the policies; and, in subsec. 3, substituted reference to the State Librarian for commissioner.

Laws 1989, c. 700, § B-28, in subsec. 4, substituted reference to the State Librarian for Commissioner of Educational and Cultural Services.

1991 Amendment. Laws 1991, c. 591, § E-31, in subsec. 1, substituted provision that the commission shall fix compensation for the director within salary range 88 for former provision that compensation shall be fixed by the Governor.

§ 113. Library districts

The Maine Library Commission shall divide the State into as many districts as the commission determines are required and shall establish or modify the geographical boundaries of each district.

1989, c. 700, § B-29.

Historical and Statutory Notes

Amendments

1989 Amendment. Laws 1989, c. 700, § B-29, repealed and replaced this section which formerly provided that upon the advice of the Maine Li-

brary Commission, the State shall be divided into as many districts as the commissioner shall determine are required and shall establish or modify the geographical boundaries of each district.

§ 115. Area reference and resource centers

Each district shall be affiliated with an area reference and resource center which shall be designated by the Maine Library Commission.

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

*[See main volume for A to C]*

- D. Join with the district council in assigning priorities to implement the district plan; and

*[See main volume for E]*

1989, c. 700, §§ B-30, B-31.

Historical and Statutory Notes

Amendments

1989 Amendment. Laws 1989, c. 700, § B-30, in the first par., substituted provision for designation by the Maine Library Commission in lieu of

provision for designation by the commissioner, with the advice of the Library Commission.

Laws 1989, c. 700, § B-31, in subsec. 1, added "and" at the end of par. D.

## 27 § 118

## LIBRARIES, HISTORY, CULTURE Title 27

### § 118. School libraries and media center

Any school library or media center in a community with no public library service, or serving communities with no public libraries, which 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.

1989, c. 700, § B-32.

#### Historical and Statutory Notes

##### Amendments

**1989 Amendment.** Laws 1989, c. 700, § B-118, substituted reference to the approval of the State Librarian for that of the commissioner.

### § 119. Distribution of appropriations

The Maine Library Commission is authorized to apportion funds appropriated by the Legislature for the support of regional library systems.

1989, c. 700, § B-33.

#### Historical and Statutory Notes

##### Amendments

**1989 Amendment.** Laws 1989, c. 700, § B-33, rephrased the section which, prior thereto, stated that the Commissioner of Educational and Cultural

Services, with the advice of the Maine Library Commission, is authorized to apportion funds appropriated by the Legislature for the support of regional library systems.

## CHAPTER 4-A

## LIBRARY RECORDS

### Section

121. Confidentiality of library records.

### § 121. Confidentiality of library records

Records maintained by any public municipal library, the Maine State Library, the Law and Legislative Reference Library and libraries of the University of Maine System and the Maine Maritime Academy that contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

1991, c. 67; 1997, c. 146, § 1, eff. Jan. 1, 1998.

#### Historical and Statutory Notes

##### 1991 Legislation

Laws 1991, c. 67, in the first par., inserted reference to the libraries of the University of Maine System and the Maine Maritime Academy.

##### 1997 Legislation

Laws 1997, c. 146, § 1, extended the confidentiality protection to the Law and Legislative Refer-

ence Library, and deleted the second paragraph that allowed public municipal libraries up to 5 years from the effective date of this law to be in compliance with it.

ARCHEOLOGY  
Ch. 13

CHAPTER 5  
INTERSTATE LIBRARY COMPACT  
SUBCHAPTER I  
COMPACT

§ 141. Policy and purpose—Article I

*Historical and Statutory Notes*

Complementary Legislation:

Ala.—Code 1975, §§ 41-8-20 to 41-8-25.	N.M.—NMSA 1973, §§ 18-2-19 to 18-2-22.
Ark.—A.C.A. §§ 13-2-601 to 13-2-606.	N.Y.—McKinney's Educ. Law, § 297 note.
Colo.—West's C.R.S.A. §§ 24-60-1501 to 24-60-1507.	N.C.—G.S. §§ 125-12 to 125-16.
Conn.—C.G.S.A. §§ 11-38 to 11-43.	N.D.—NDCC 54-24.1-01 to 54-24.1-06.
Fla.—West's F.S.A. §§ 257.28 to 257.33.	Ohio—R.C. §§ 3375.83 to 3375.85.
Ga.—O.C.G.A. §§ 20-5-60 to 20-5-65.	Okl.—65 Okl.St. Ann. §§ 6-101 to 6-107.
Idaho—I.C. §§ 33-2504 to 33-2509.	Ore.—ORS 357.330 to 357.370.
Ill.—S.H.A. 45 ILCS 25/0.01 to 25/4.	R.I.—Gen.Laws 1956, §§ 29-5-1 to 29-5-6.
Ind.—West's A.I.C. 20-14-11-1 to 20-14-11-6.	S.D.—SDCL 14-7-12 to 14-7-18.
La.—LSA-R.S. 25:631 to 25:636.	Tenn.—West's Tenn.Code §§ 10-6-101 to 10-6-106.
Md.—Code, Education, §§ 25-301 to 25-303.	Vt.—22 V.S.A. §§ 21 to 45.
Mass.—M.G.L.A. c. 78 App., §§ 1-1 to 1-6.	Va.—Code 1950, § 42.1-75.
Minn.—M.S.A. §§ 134.21 to 134.24.	Wash.—West's RCWA 27.18.010 to 27.18.050.
Miss.—Code 1972, §§ 39-3-201 to 39-3-211.	W.Va.—Code, 10-1A-1 to 10-1A-6.
Mont.—MCA 22-1-601, 22-1-602.	Wis.—W.S.A. 43.001 note.
N.H.—RSA 201-B:1 to 201-B:6.	Wyo.—W.S.1977, §§ 9-2-1026.8 to 9-2-1026.13.

SUBCHAPTER II  
PROVISIONS RELATING TO COMPACT

§ 182. Library agreements by municipalities

*Cross References*

Authority to raise or appropriate money for libraries, see 30-A M.R.S.A. § 5724.

CHAPTER 11  
ART

§ 303. Preservation of works of art

*Law Review and Journal Commentaries*

Joint ownership of moral rights. Peter H. Karlen, 38 J.Copyright Soc'y U.S.A. 242 (1991).

CHAPTER 13  
ARCHEOLOGY  
SUBCHAPTER II  
STATE-OWNED OBJECTS AND SPECIMENS

Section  
371. Statement of policy.

Section  
372. Legislative intent.

## LIBRARIES, HISTORY, CULTURE Title 27

Section	Section
373-A. Definitions.	376. Antiquities recovered from archaeological sites.
374. Legislative provisions.	377. Protection of site location information.
375. Unlawful excavation.	378. Emergency site designation.

### Law Review and Journal Commentaries

Archaeological Resources Protection Act: A new application in the private property context. 44 Cath.U.L.Rev. 599 (1995).

#### § 371. Statement of policy

*[See main volume for first and second paragraphs]*

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.

1989, c. 700, § A-110.

#### Historical and Statutory Notes

##### Amendments

1989 Amendment. Laws 1989, c. 700, § A-110, in the last par., substituted reference to the State Museum for State Museum Bureau.

#### § 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.

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.

1989, c. 700, § A-111.

#### Historical and Statutory Notes

##### Amendments

1989 Amendment. Laws 1989, c. 700, § A-111, in subsecs. 1 and 2, substituted references to the State Museum for State Museum Bureau.

#### § 373-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings:

*[See main volume for 1 and 2]*

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.

**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.

*[See main volume for 4 and 5]*

**6. Permitters.** "Permitters" 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.

*[See main volume for 7 to 10]*

1989, c. 171, § 1, eff. May 26, 1989; 1989, c. 700, § A-112; 1995, c. 146, § 1.

#### Historical and Statutory Notes

##### Amendments

**1989 Amendment.** Laws 1989, c. 171, § 1, enacted subsec. 3-A.

Laws 1989, c. 700, § A-112, in subsec. 6, substituted reference to the State Museum for State Museum Bureau.

**1995 Amendment.** Laws 1995, c. 146, § 1, in subsec. 3, among other changes, provided that

excavation would include activities such as vandalism; and provided that excavation would include recovery or disturbance of artifacts that are fully or partially submerged in the water and tidal sites in lieu of provision including in the definition, the recovery of artifacts from beneath the water.

#### § 374. Legislative provisions

*[See main volume for 1]*

**2. Permit procedure.** The procedure for obtaining a permit to excavate a site shall be as follows.

*[See main volume for A and B]*

C. The permit to excavate shall 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 shall be cosigned by the director of the agency with primary jurisdiction.

*[See main volume for D and E; 3 to 5]*

1989, c. 700, § A-113.

#### Historical and Statutory Notes

##### Amendments

**1989 Amendment.** Laws 1989, c. 700, § A-113, in subsec. 2, par. C, substituted reference to the State Museum for State Museum Bureau.

#### Law Review and Journal Commentaries

Identity and cultural property: The protection of cultural property in the United States. Patty Gerstenblith, 75 B.U.L.Rev. 559 (1995).

#### § 375. Unlawful excavation

*[See main volume for 1]*

**2. Penalty.** Violation of this chapter is a civil violation for which a forfeiture of not less than \$50 nor more than \$1,000 shall be adjudged. The unlawful excavation for any one day shall constitute a separate violation. 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;
- B. To enjoin future unlawful excavation; or
- C. To direct the violator to restore the site to the condition that existed prior to the unlawful excavation or to ameliorate the effects of the unlawful excavation.

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.

1989, c. 171, § 2.

#### Historical and Statutory Notes

##### Amendments

1989 Amendment. Laws 1989, c. 171, § 2, in subsec. 2, among other changes, redesignated a portion of existing provisions as pars. A and B, and

added par. C; in subsec. 3, authorized the filing of a complaint in the Superior Court of the county of residence of the person against whom such complaint is directed or the county in which the violation occurred.

### § 376. Antiquities recovered from archaeological sites

*[See main volume for 1]*

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 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 of<sup>1</sup> specimens are sold or offered for sale.

*[See main volume for 3]*

4. **Artifact ownership.** Artifacts, objects, materials and specimens recovered from 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 shall be deposited with a suitable repository as designated by the landowner in the preservation agreement, or the permit.

1989, c. 700, § A-114.

<sup>1</sup> So in original; probably should read "or".

#### Historical and Statutory Notes

##### Amendments

1989 Amendment. Laws 1989, c. 700, § A-114, in subsecs. 2 and 4, substituted references to the State Museum for State Museum Bureau.

### § 377. Protection of site location information

In order to protect the site from unlawful excavation or harm, any information on the location or other attributes of any site 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 may be deemed by the Maine Historic Preservation Commission or State Museum to be confidential and exempt from Title 1, chapter 13.<sup>1</sup> Such data shall 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.

1989, c. 700, § A-115; 1995, c. 502, § E-30, eff. Nov. 30, 1995.

<sup>1</sup> 1 M.R.S.A. § 401 et seq.

Historical and Statutory Notes

Codification

On and after November 30, 1995, "Bureau of Public Lands", "Parks and Recreation Bureau" and "Bureau of Parks and Recreation" have been changed to "Bureau of Parks and Lands", pursuant to Laws 1995, c. 502, § E-30, which provided:

"Except as provided in the Maine Revised Statutes, Title 12, section 598-A, subsection 2-A, section 602, subsection 4 and section 5016, wherever in the Maine Revised Statutes the words 'Bureau of Public Lands,' 'Parks and Recreation Bureau' or

'Bureau of Parks and Recreation' appear or reference is made to those words, they are amended to read and mean 'Bureau of Parks and Lands,' and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes."

Amendments

1989 Amendment. Laws 1989, c. 700, § A-115, substituted references to State Museum for State Museum Bureau.

§ 378. Emergency site designation

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 site that is subject to this chapter for a period not to exceed one year. All sites given emergency designation under this section must be posted against unauthorized excavation. Notice of the designation must be filed with the registrar of deeds in the county in which the site is located. 1995, c. 146, § 2.

Historical and Statutory Notes

Amendments

1995 Amendment. Laws 1995, c. 146, § 2, among other changes, deleted reference to artifacts on private property.

CHAPTER 15

THE ARTS

Subchapter	Section
I. Maine Arts Commission .....	401
I-A. Arts in Education Program .....	411
II. State Poet Laureate .....	421

Historical and Statutory Notes

Codification

Laws 1995, 264, § 2, repealed and replaced the heading for Chapter 15, The Arts, which, in effect,

designated existing provisions as Subchapter I, Maine Arts Commission.

SUBCHAPTER I

MAINE ARTS COMMISSION

Section	Section
401. Commission.	407. Repealed.
403-A. Arts Commission Director; appointment.	408. Maine Student Artist Awards Program.
405. Hearings; contracts.	409. Rules.
	410. Arts outreach program.

§ 401. Commission

A state commission, to be known as the "Maine Arts Commission," as established by Title 5, section 12004-G, subsection 9, shall consist of not less than 15 nor more than 21 members, each of whom shall have a continuing interest in the fields of art and culture in the State, to

(ii) **STUDENT LOAN MARKETING ASSOCIATION.**—No obligation that is insured, guaranteed, or otherwise backed by the Corporation shall be deemed to be an obligation that is guaranteed by the Student Loan Marketing Association.

(iii) **SPECIAL RULE.**—This paragraph shall not affect the determination of whether such obligation is guaranteed for purposes of Federal income taxes.

(B) **SECURITIES OFFERED BY THE CORPORATION.**—No debt or equity securities of the Corporation shall be deemed to be guaranteed by the full faith and credit of the United States.

(5) **DEFINITION.**—The term "Corporation" as used in this section means the College Construction Loan Insurance Association as in existence on the day before the date of enactment of this Act, and any successor corporation.

(b) **RELATED PRIVATIZATION REQUIREMENTS.**—

(1) **NOTICE REQUIREMENTS.**—

(A) **IN GENERAL.**—During the six-year period following the date of enactment of this Act, the Corporation shall include, in each of the Corporation's contracts for the insurance, guarantee, or reinsurance of obligations, and in each document offering debt or equity securities of the Corporation, a prominent statement providing notice that—

(i) such obligations or such securities, as the case may be, are not obligations of the United States, nor are such obligations or such securities, as the case may be, guaranteed in any way by the full faith and credit of the United States; and

(ii) the Corporation is not an instrumentality of the United States.

(B) **ADDITIONAL NOTICE.**—During the five-year period following the sale of stock pursuant to subsection (c)(1), in addition to the notice requirements in subparagraph (A), the Corporation shall include, in each of the contracts and documents referred to in such subparagraph, a prominent statement providing notice that the United States is not an investor in the Corporation.

(2) **CORPORATE CHARTER.**—The Corporation's charter shall be amended as necessary and without delay to conform to the requirements of this section.

(3) **CORPORATE NAME.**—The name of the Corporation, or of any direct or indirect subsidiary thereof, may not contain the term "College Construction Loan Insurance Association", or any substantially similar variation thereof.

(4) **ARTICLES OF INCORPORATION.**—The Corporation shall amend the Corporation's articles of incorporation without delay to reflect that one of the purposes of the Corporation shall be to guarantee, insure, and reinsure bonds, leases, and other evidences of debt of educational institutions, including Historically Black Colleges and Universities and other academic institutions which are ranked in the lower investment grade category using a nationally recognized credit rating system.

(5) **REQUIREMENTS UNTIL STOCK SALE.**—Notwithstanding subsection (d), the requirements of sections 754 and 760 of the Higher Education Act of 1965 (20 U.S.C. 1132f-3 and 1132f-9), as such sections were in effect on the day before the date of enactment of this Act, shall continue to be effective until the day immediately following the date of closing of the purchase of the Secretary of Education's stock (or the date of closing of the final purchase, in the case of multiple transactions) pursuant to subsection (c)(1) of this Act.

(c) **SALE OF FEDERALLY OWNED STOCK.**—

(1) **PURCHASE BY THE CORPORATION.**—The Secretary of the Treasury shall sell and the Corporation shall purchase, within 90 days after the date of enactment of this Act, the stock of the Corporation held by the Secretary of Education at a price determined by the binding, independent appraisal of a nationally recognized financial firm, except that the 90-day period may be extended by mutual agreement of the Secretary of the Treasury and the Corpora-

tion to not more than 150 days after the date of enactment of this Act. The appraiser shall be jointly selected by the Secretary of the Treasury and the Corporation. In the event that the Secretary of the Treasury and the Corporation cannot agree on the appraiser, then the Secretary of the Treasury and the Corporation shall name an independent third party to select the appraiser.

(2) **REIMBURSEMENT OF COSTS AND EXPENSES OF SALE.**—The Secretary of the Treasury shall be reimbursed from the proceeds of the sale of the stock under this subsection for all reasonable costs and expenses related to such sale, except that one-half of all reasonable costs and expenses relating to the independent appraisal under paragraph (1) shall be borne by the Corporation.

(3) **DEPOSIT INTO ACCOUNT.**—Amounts collected from the sale of stock pursuant to this subsection that are not used to reimburse the Secretary of the Treasury pursuant to paragraph (2) shall be deposited into the account established under subsection (e).

(4) **ASSISTANCE BY THE CORPORATION.**—The Corporation shall provide such assistance as the Secretary of the Treasury and the Secretary of Education may require to facilitate the sale of the stock under this subsection.

(5) **REPORT TO CONGRESS.**—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall report to the appropriate committees of Congress on the completion and terms of the sale of stock of the Corporation pursuant to this subsection.

(d) **REPEAL OF STATUTORY RESTRICTIONS AND RELATED PROVISIONS.**—Part D of title VII of the Higher Education Act of 1965 (20 U.S.C. 1132f et seq.) is repealed.

(e) **ESTABLISHMENT OF ACCOUNT.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the District of Columbia Financial Responsibility and Management Assistance Authority shall establish an account to receive—

(A) amounts collected from the sale and proceeds resulting from the exercise of stock warrants pursuant to section 440(c)(9) of the Higher Education Act of 1965;

(B) amounts and proceeds remitted as compensation for the right to assign the "Sallie Mae" name as a trademark or service mark pursuant to section 440(e)(3) of the Higher Education Act of 1965; and

(C) amounts and proceeds collected from the sale of the stock of the Corporation and deposited pursuant to subsection (c)(3).

(2) **AMOUNTS AND PROCEEDS.**—

(A) **AMOUNTS AND PROCEEDS RELATING TO SALLIE MAE.**—The amounts and proceeds described in subparagraphs (A) and (B) of paragraph (1) shall be used to finance public elementary and secondary school facility construction and repair within the District of Columbia or to carry out the District of Columbia School Reform Act of 1995.

(B) **AMOUNTS AND PROCEEDS RELATING TO CONNIE LEE.**—The amounts and proceeds described in subparagraph (C) of paragraph (1) shall be used to finance public elementary and secondary school facility construction and repair within the District of Columbia.

**SEC. 604. DISCRIMINATION IN SECONDARY MARKETS PROHIBITED.**

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by adding after section 440 (as added by section 602) the following new section:

**"SEC. 440A. DISCRIMINATION IN SECONDARY MARKETS PROHIBITED.**

"The Student Loan Marketing Association (and, if the Association is privatized under section 440, any successor entity functioning as a secondary market for loans under this part, including the Holding Company described in such section) shall not engage directly or indirectly in any pattern or practice that results in a de-

nial of a borrower's access to loans under this part because of the borrower's race, sex, color, religion, national origin, age, disability status, income, attendance at a particular eligible institution, length of the borrower's educational program, or the borrower's academic year at an eligible institution."

## **TITLE VII—MUSEUM AND LIBRARY SERVICES ACT OF 1996**

### **SECTION 701. SHORT TITLE.**

This title may be cited as the "Museum and Library Services Act of 1996".

### **SEC. 702. MUSEUM AND LIBRARY SERVICES.**

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

## **"TITLE II—MUSEUM AND LIBRARY SERVICES**

### **"Subtitle A—General Provisions**

#### **"SEC. 201. SHORT TITLE.**

"This title may be cited as the 'Museum and Library Services Act'.

#### **"SEC. 202. GENERAL DEFINITIONS.**

"As used in this title:

"(1) **COMMISSION.**—The term 'Commission' means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).

"(2) **DIRECTOR.**—The term 'Director' means the Director of the Institute appointed under section 204.

"(3) **INSTITUTE.**—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

"(4) **MUSEUM BOARD.**—The term 'Museum Board' means the National Museum Services Board established under section 275.

#### **"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.**

"(a) **ESTABLISHMENT.**—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

"(b) **OFFICES.**—The Institute shall consist of an Office of Museum Services and an Office of Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

#### **"SEC. 204. DIRECTOR OF THE INSTITUTE.**

"(a) **APPOINTMENT.**—

"(1) **IN GENERAL.**—The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

"(2) **TERM.**—The Director shall serve for a term of 4 years.

"(3) **QUALIFICATIONS.**—Beginning with the first individual appointed to the position of Director after the date of enactment of the Museum and Library Services Act of 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of the Museum and Library Services Act of 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

"(b) **COMPENSATION.**—The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(c) **DUTIES AND POWERS.**—The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this title.

"(d) **NONDELEGATION.**—The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

"(e) **COORDINATION.**—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the



Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

**\*SEC. 205. DEPUTY DIRECTORS.**

"The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

**\*SEC. 206. PERSONNEL.**

"(a) **IN GENERAL.**—The Director may, in accordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

"(b) **VOLUNTARY SERVICES.**—The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

**\*SEC. 207. CONTRIBUTIONS.**

"The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special-interest bearing account to the credit of the Institute for the purposes specified in each case.

"Subtitle B—Library Services and Technology

**\*SEC. 211. SHORT TITLE.**

"This subtitle may be cited as the 'Library Services and Technology Act'.

**\*SEC. 212. PURPOSE.**

"It is the purpose of this subtitle—

"(1) to consolidate Federal library service programs;

"(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

"(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

"(4) to provide linkages among and between libraries; and

"(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.

**SEC. 213. DEFINITIONS.**

"As used in this subtitle:

"(1) **INDIAN TRIBE.**—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) **LIBRARY.**—The term 'library' includes—

"(A) a public library;

"(B) a public elementary school or secondary school library;

"(C) an academic library;

"(D) a research library, which for the purposes of this subtitle means a library that—

"(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

"(ii) is not an integral part of an institution of higher education; and

"(E) a private library, but only if the State in which such private library is located determines that the library should be considered a library for purposes of this subtitle.

"(3) **LIBRARY CONSORTIUM.**—The term 'library consortium' means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

"(4) **STATE.**—The term 'State', unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(5) **STATE LIBRARY ADMINISTRATIVE AGENCY.**—The term 'State library administrative agency' means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

"(6) **STATE PLAN.**—The term 'State plan' means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

**\*SEC. 214. AUTHORIZATION OF APPROPRIATIONS.**

"(a) **AUTHORIZATION OF APPROPRIATIONS.**—

"(1) **IN GENERAL.**—There are authorized to be appropriated \$150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

"(2) **TRANSFER.**—The Secretary of Education shall—

"(A) transfer promptly to the Director any funds appropriated under the authority of paragraph (1), to enable the Director to carry out this subtitle; and

"(B) not exercise any authority concerning the administration of this title other than the transfer described in subparagraph (A).

"(b) **FORWARD FUNDING.**—

"(1) **IN GENERAL.**—To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants contracts, or other payments under any program under this subtitle are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

"(2) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.**—In order to effect a transition to the timing of appropriation action authorized by subsection (a), the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subtitle (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

"(c) **ADMINISTRATION.**—Not more than 3 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

**\*CHAPTER 1—BASIC PROGRAM REQUIREMENTS**

**\*SEC. 221. RESERVATIONS AND ALLOTMENTS.**

"(a) **RESERVATIONS.**—

"(1) **IN GENERAL.**—From the amount appropriated under the authority of section 214 for any fiscal year, the Director—

"(A) shall reserve 1½ percent to award grants in accordance with section 261; and

"(B) shall reserve 4 percent to award national leadership grants or contracts in accordance with section 262.

"(2) **SPECIAL RULE.**—If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) for the fiscal year succeeding the fiscal year for which the funds were so reserved.

"(b) **ALLOTMENTS.**—

"(1) **IN GENERAL.**—From the sums appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).

"(2) **REMAINDER.**—From the remainder of any sums appropriated under the authority of section 214 that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

"(3) **MINIMUM ALLOTMENT.**—

"(A) **IN GENERAL.**—For the purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) **RATABLE REDUCTIONS.**—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

"(C) **SPECIAL RULE.**—

"(i) **IN GENERAL.**—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

"(ii) **AWARD BASIS.**—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) **TERMINATION OF ELIGIBILITY.**—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"(iv) **ADMINISTRATIVE COSTS.**—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the

Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

"(4) DATA.—The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

**"SEC. 222. ADMINISTRATION.**

"(a) IN GENERAL.—Not more than 4 percent of the total amount of funds received under this subtitle for any fiscal year by a State may be used for administrative costs.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 224(c) from sources other than this subtitle.

**"SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.**

"(a) PAYMENTS.—Subject to appropriations provided pursuant to section 214, the Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

"(b) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share shall be 66 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

"(c) MAINTENANCE OF EFFORT.—

"(1) STATE EXPENDITURES.—

"(A) REQUIREMENT.—

"(i) IN GENERAL.—The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this chapter shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

"(ii) CALCULATION.—Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

"(B) DECREASE IN FEDERAL SUPPORT.—If the amount made available under this subtitle for a fiscal year is less than the amount made available under this subtitle for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(2) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

"(3) WAIVER.—The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

**"SEC. 224. STATE PLANS.**

"(a) STATE PLAN REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1997.

"(2) DURATION.—The State plan shall cover a period of 5 fiscal years.

"(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

"(b) CONTENTS.—The State plan shall—

"(1) establish goals, and specify priorities, for the State consistent with the purposes of this subtitle;

"(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subtitle, and section 231, that the State library administrative agency will carry out during such year using such grant;

"(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

"(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

"(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle; and

"(6) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle.

"(c) EVALUATION AND REPORT.—Each State library administrative agency receiving a grant under this subtitle shall independently evaluate, and report to the Director regarding, the activities assisted under this subtitle, prior to the end of the 5-year plan.

"(d) INFORMATION.—Each library receiving assistance under this subtitle shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c).

"(e) APPROVAL.—

"(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle and provides satisfactory assurances that the provisions of such plan will be carried out.

"(2) PUBLIC AVAILABILITY.—Each State library administrative agency receiving a grant under this subtitle shall make the State plan available to the public.

"(3) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

"(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

"(B) offer the State library administrative agency the opportunity to revise its State plan;

"(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

"(D) provide the State library administrative agency the opportunity for a hearing.

**"CHAPTER 2—LIBRARY PROGRAMS**

**"SEC. 231. GRANTS TO STATES.**

"(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants of cooperative agreements, at least 96 percent of such funds for—

"(1)(A) establishing or enhancing electronic linkages among or between libraries;

"(B) electronically linking libraries with educational, social, or information services;

"(C) assisting libraries in accessing information through electronic networks;

"(D) encouraging libraries in different areas, and encouraging different types of libraries, to establish consortia and share resources; or

"(E) paying costs for libraries to acquire or share computer systems and telecommunications technologies; and

"(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the purposes described in subsection (a) between the two purposes described in paragraphs (1) and (2) of such subsection, as appropriate, to meet the needs of the individual State.

**"CHAPTER 3—ADMINISTRATIVE PROVISIONS**

**"Subchapter A—State Requirements**

**"SEC. 251. STATE ADVISORY COUNCILS.**

"Each State desiring assistance under this subtitle may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities.

**"Subchapter B—Federal Requirements**

**"SEC. 261. SERVICES FOR INDIAN TRIBES.**

"From amounts reserved under section 221(a)(1)(A) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the activities described in section 231.

**"SEC. 262. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.**

"(a) IN GENERAL.—From the amounts reserved under section 221(a)(1)(B) for any fiscal year the Director shall establish and carry out a program awarding national leadership grants or contracts to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants or contracts shall be used for activities that may include—

"(1) education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

"(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;

"(3) preservation of digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project; and

"(4) model programs demonstrating cooperative efforts between libraries and museums.

"(b) GRANTS OR CONTRACTS.—

"(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, libraries, agencies, institutions of higher education, or museums, where appropriate.

"(2) COMPETITIVE BASIS.—Grants and contracts under this section shall be awarded on a competitive basis.

"(c) SPECIAL RULE.—The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

## 2. PROGRAMS

### INTRODUCTION

The programs of the Maine State Library are reported by several components.

ADMINISTRATION provides leadership for development of library services in Maine; coordinates the work of all staff; prepares and supports necessary legislative action concerning libraries; and provides all necessary fiscal information.

READER AND INFORMATION SERVICES provides for the delivery of quality information, reference and loan services to state agency personnel and the general public. This includes support and complementing the collections of all types of libraries throughout the state through resource sharing. Specific programs include Reference, Circulation, Collection Services and Interlibrary Loan.

LIBRARY DEVELOPMENT provides leadership and support for library development in all types of libraries throughout the state. Specific programs include the Maine Regional Library System, Special Services, Institutional Library Service, Book-By-Mail, Video Services, Instructional Television, School Library/Media Service and Information Exchange.

SPECIAL ACQUISITION FUND provides for the purchase of special historically significant Maine material.

### PERFORMANCE BUDGET

See Appendices

### DESCRIPTION

The READER AND INFORMATION SERVICES division includes the following programs.

Public Services staff provides assistance and information to patrons. The clientele served includes libraries in the Central Maine Library District and URSUS participants, walk-in and telephone patrons, rural Maine citizens not served by local library collections and state government agencies.

Activities:

**Reference** Librarians respond to written, walk-in, and telephone information requests, instruct patrons in the use of the library

(including on-line union catalog and Internet terminals), and select materials for the collection.

**Circulation** staff lends material from the collection, monitors reserves and overdues, registers patrons, reshelves books and periodicals, staffs the circulation desk and assists patrons with photocopies and microform machines.

**Documents** staff gathers and maintains all state-produced publications and selects and maintains federal government information of all kinds.

Collection Services acquires and maintains the library's collection and, through interlibrary loan, provides access to resources not available in-house.

Activities:

**Collection Services** acquires, catalogs, maintains, and preserves the library's collections. Advice and assistance is available for librarians with questions related to technical processing, acquisitions, cataloging and preservation.

**Interlibrary Loan** process title requests received by the library for books, microforms, periodicals, and electronic information. Items not available in-house are located at other libraries through a computer network.

**Maine Newspaper Project** identifies, collects, catalogs, and microfilms Maine newspapers in an attempt to create a comprehensive collection of all newspapers published in Maine.

The LIBRARY DEVELOPMENT SERVICES division includes the following programs.

Media Service staff support the development of effective school libraries through the provision of educational resources and research, and field based technical assistance.

Activities:

**Consulting Services** - provides a professional library/media consulting team for school library development and assessment of library programs. The Media Team offers workshops, approves school library construction plans, assists with certification, provides information on request, and loans AV equipment.

**Instructional Video Library** - provides videotaped educational programs to elementary and secondary schools for classroom use.

**Continuing Education** courses are offered every year for the professional development of library staff members throughout the state.

**University Graduate Level Library Courses** are provided in-state through an agreement with the University of South Carolina. Courses are taught via Distance Education (ITV) and the program leads to a MLS.

**Holocaust Human Rights Center of Maine** - provides assistance in developing an educational institute for training teachers to teach the Holocaust. State Library staff distribute AV, curricula, and books for the HHRC and has documented 12 oral histories of Holocaust survivors.

**Information Exchange** - provides educators and citizens with easy access to the latest educational research and resource information, both nationally and statewide, through database searching and local educational resources.

**Video Production** – facilitates satellite downlinks and assists with video production and serves as a link to the Interactive Television System.

**Computer Technology** – develops and maintains networks and Internet and other computer access points, including 2 in-house Novell networks serving 30 + stations.

Special Services staff provides books-by-mail to residents in towns without libraries; provides video programs to libraries, nursing homes, community groups, and institutions; provides talking books and large print material to residents who are visually or physically impaired.

**Books-By-Mail** serves adults and young readers by mailing books to state residents who live in communities with no library or limited library service.

**Video Services** provides videotapes to community groups, nursing homes and other institutions through public libraries. Reference and consultant services are also provided for the use of video programming.

**Talking Books** provides recorded books, periodicals, and tape players to readers whose sight or physical condition make it impossible to read print sources. The Maine State Library is one of 56 regional libraries of the Library of Congress National Service for the Blind and Physically Handicapped.

**Large Print Books** provides large print books for visually impaired readers throughout the state. It serves individual patrons, public libraries, nursing homes, and institutions.

Regional Services provides support, through 3 Districts and 3 Area Reference and Research Centers, to all types of libraries throughout the state, administers state and federal aid to local libraries, and provides consultants for leadership and guidance.

**Interlibrary Loan** makes it possible for the 3 Area Reference and Resource Centers located at the Portland and Bangor Public Libraries and the Maine State Library to supplement the collections of all types of libraries within their districts by lending to them books and other information materials not owned locally.

**Direct Free Walk-In Service** allows any resident free use of his/her Area Reference and Resource Center, including circulation privileges.

**District Consultants** provide for leadership in the professional development of public, school, and academic librarians and support staff through individual consultation, workshops, seminars and professionals meetings. Leadership is also provided through the District Councils and the District Executive Boards, both administered by the district consultants.

**Federal and State Aid For Library Services** is administered by the Maine State Library with the advice of the Maine Library Commission. The federal Library Services and Technology Act are used for statewide library services. The New Century Community Grants program provides state funds for library construction and statewide library development.

The SPECIAL ACQUISITION ACCOUNT is a revolving account, which is dedicated to the purchase of Maine town histories and other Maine related historically significant material.

The Maine State Library ADMINISTRATION includes the following programs

Maine State Librarian manages and supervises the operations and programs of the Maine State Library and makes rules and regulations as are necessary for the proper management of the State Library and the safety of its contents.

Maine Library Commission is a 17 member board broadly representative of the state's library community.

Activities:

**Appointment of State Librarian**

**Establish Policies** and operation 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 districts and their boundaries, the designation of Area Reference and Resource Centers, and the designation of research centers.

**Review** Act, on written request by any interested library, as an appeals board concerning decisions made by the State Librarian.

**Federal Program** Serve as the State Advisory Council on Libraries, which Gives advice and makes recommendations to the State Librarian regarding administration of federal funds.

Business Office staff conduct all financial activity connected with the Maine State Library

Activities:

The following activities are managed by the Maine State Library Business Office for all 4 Cultural Agencies (Maine State Library, Maine State Museum, Maine Historic Preservation Commission, and the Maine Arts Commission).

**Fiscal Responsibilities/Budget**

**Personnel/Pay Roll**

**Workman's Compensation**

**Americans with Disabilities Act of 1991**

**Equal Employment Opportunities**

**Procurement/purchasing**

The Business Office also manages the **Museum Gift Shop**.

## Goals

The programs of the Maine State Library are united under one over-reaching goal with the dissemination of information at its core.

**Goal** – Regardless of location or residency Maine people will have full access to the Maine State Library Information System.

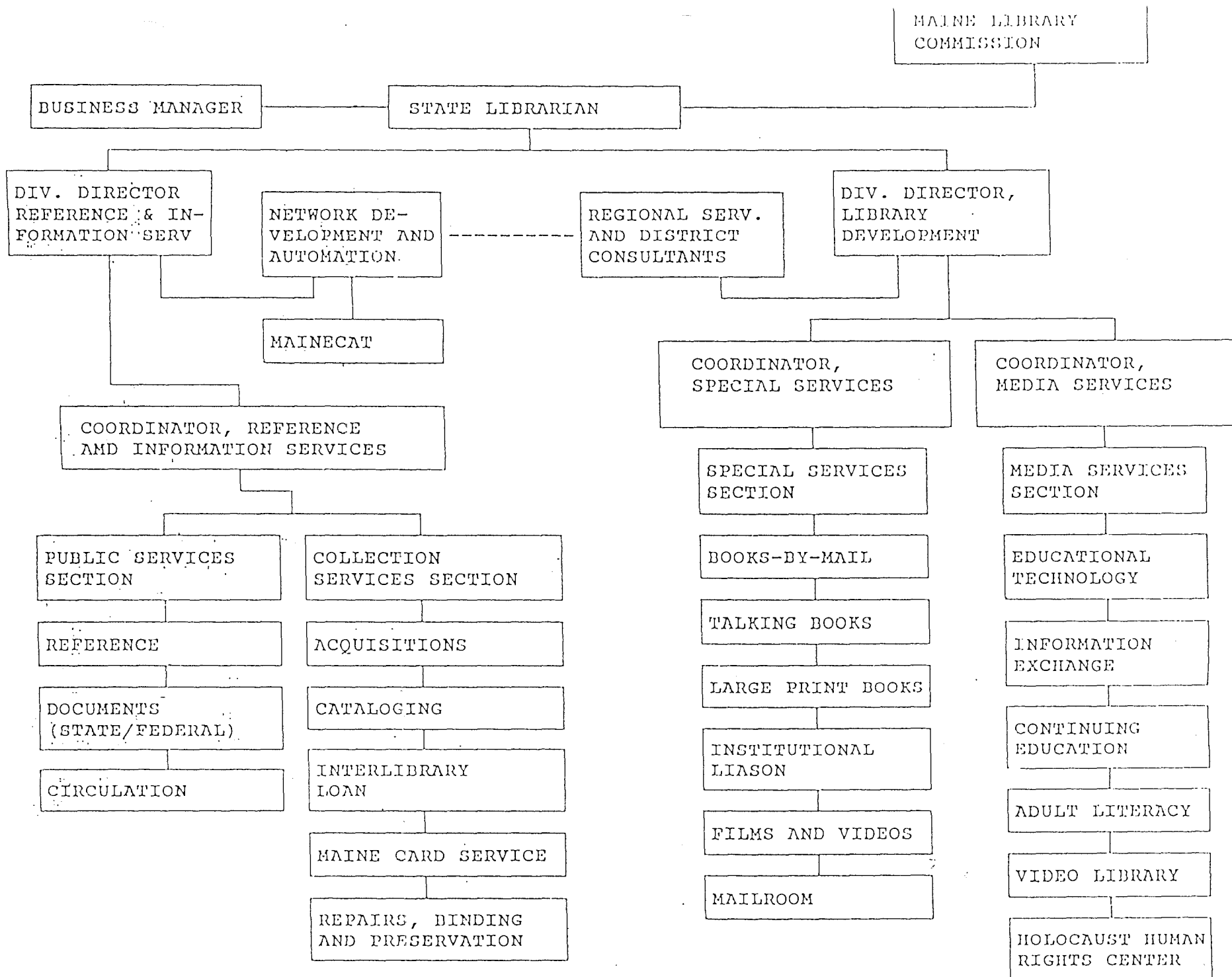
**Success in Meeting Goal** – Knowledge of the Maine State Library is an important indicator of the use of the State Library. The greater the number of Maine citizens who know about the State Library, the greater the potential use of the State Library and its programs.

The first step in measuring our success was to conduct a statewide survey to establish the percentage of citizens who had heard of us. We had anticipated 40% and would have been overjoyed with 50%, but we were surprised when the survey indicated that 80% of the citizens surveyed knew something about the Maine State Library.

Our second step, now underway, is to guarantee that access to the Maine State Library and its statewide library network is equal and convenient to all citizens regardless of location or residency. Several fortuitous developments and a successful bond effort converged to afford to provide to all the state's schools, public libraries, and other qualified libraries, the hard and software need to create a truly statewide library network.

Access to the Internet, is now available for free at most libraries throughout the state. Access to a dynamic statewide union catalog consisting of bibliographic information from libraries across the state is on the threshold of being developed through the Maine Info Net Program. This will make it possible for even the most remote resident to gain access to the statewide wealth of library materials and information at the closest library.





## LIBRARY POSITION COUNT AND JOB CLASSIFICATION

<u>Job Class</u>	<u>No. of Positions.</u>
Account Clerk 11	1
Accountant 111	1
Administrative Secretary	1
Audio Visual Specialist	1
Business Services Manager	1
Clerk 111	1
Clerk 1V	3
Clerk Typist 111	4
Educational Specialist 11	2
Information Systems Support Specialist	1
Information Systems Support Technician	1
Laborer 1	1
Laborer 11	1
Library Assistant	12 1/2
Library Division Director	2
Library Section Supervisor	2
Library Systems Coordinator	1
Library Division Director	2
Librarian 1	7
Librarian 11	7 1/2
Librarian 111	4
Planning & Research Associate 11	1
State Librarian	1
TOTAL:	57

## **COMPLIANCES**

### **Civil Rights**

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance (Section 601).

Title IX of the Education Amendments of 1972 provides that no person in the United States shall, on the basis of sex, be subject to discrimination under any educational program or activity receiving federal financial assistance.

The Age Discrimination Act of 1975 provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program receiving federal assistance.

### **People with Disabilities**

Disability is defined as anyone who has a physical or mental impairment which substantially limits one or more of such persons major life activities, has a record of such impairment, or is regarded as having such impairment.

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified person with a disability in the United States, as defined in Section 7(6), shall, solely by reason of his or her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal assistance.

The Americans with Disabilities Act of 1991 extends protections of the Civil Rights Act of 1964 by prohibiting discrimination in employment based on disability, requiring places of public accommodation be accessible to people with disabilities, mandating gradual replacement of buses and railroad cars with equipment that can accommodate people with disabilities, and making telephone services available to people with hearing and speech impairments, nationwide.

### **Drug Free Workplace**

The Drug Free Workplace Act of 1988 requires that employees of the grantee not engage in the unlawful manufacture, dispensation, possession, or use of controlled substances in the grantee's workplace or work site.

## Maine State Library

### Expenditures

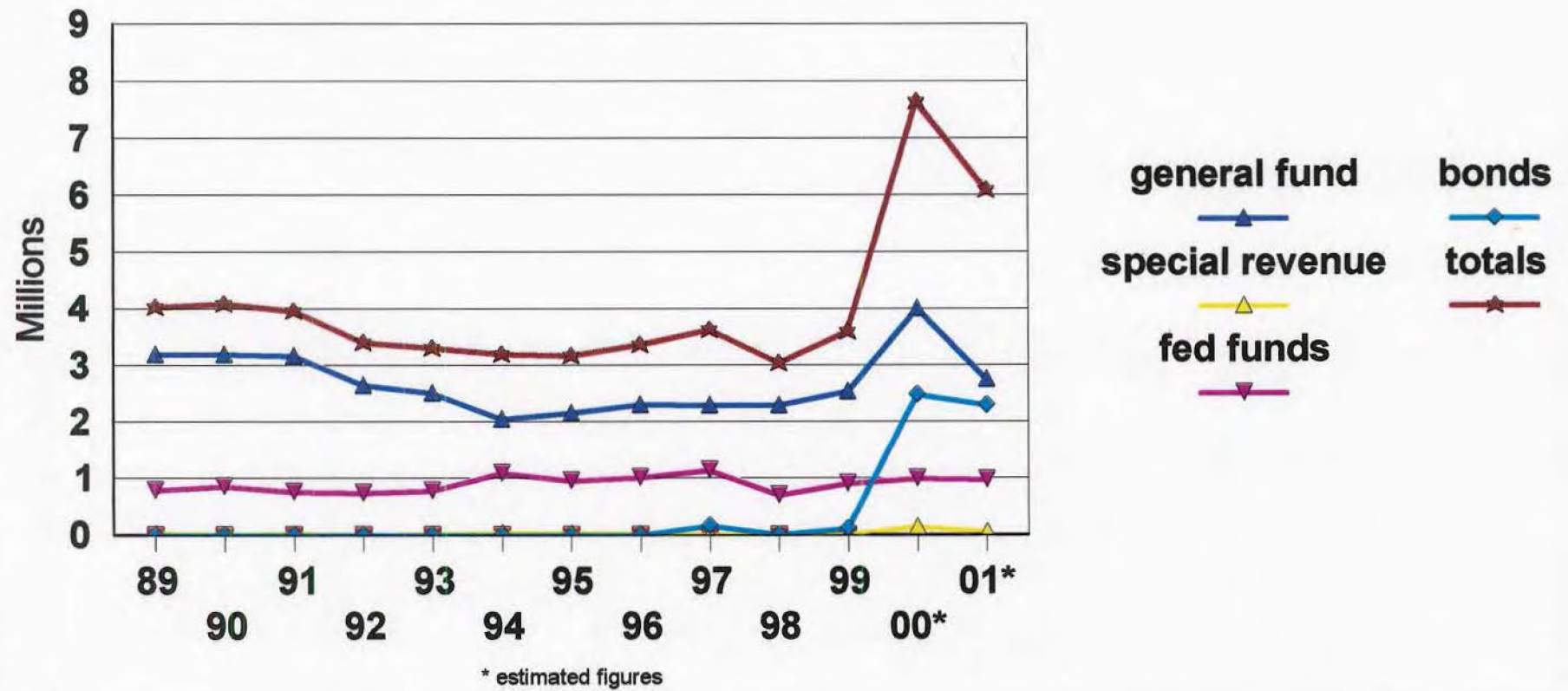
	89	90	91	92	93	94	95	96	97	98	99	00*	01*
general fund	3,206,901	3,207,656	3,173,632	2,656,144	2,518,756	2,058,569	2,163,920	2,314,979	2,300,820	2,302,629	2,548,878	4,013,849	2,761,143
special revenue	31,556	16,957	20,322	2,732	10,279	41,757	38,662	25,388	16,040	13,282	17,121	155,025	60,000
fed funds	798,232	865,388	770,690	752,725	782,898	1,101,961	968,245	1,026,769	1,153,949	713,641	917,006	999,960	982,795
bonds	0	0	0	0	0	0	0	0	167,670	15,212	123,142	2,490,000	2,300,000
totals	4,036,689	4,090,001	3,964,644	3,411,601	3,311,933	3,202,287	3,170,827	3,367,136	3,638,479	3,044,764	3,606,147	7,658,834	6,103,938

### Positions

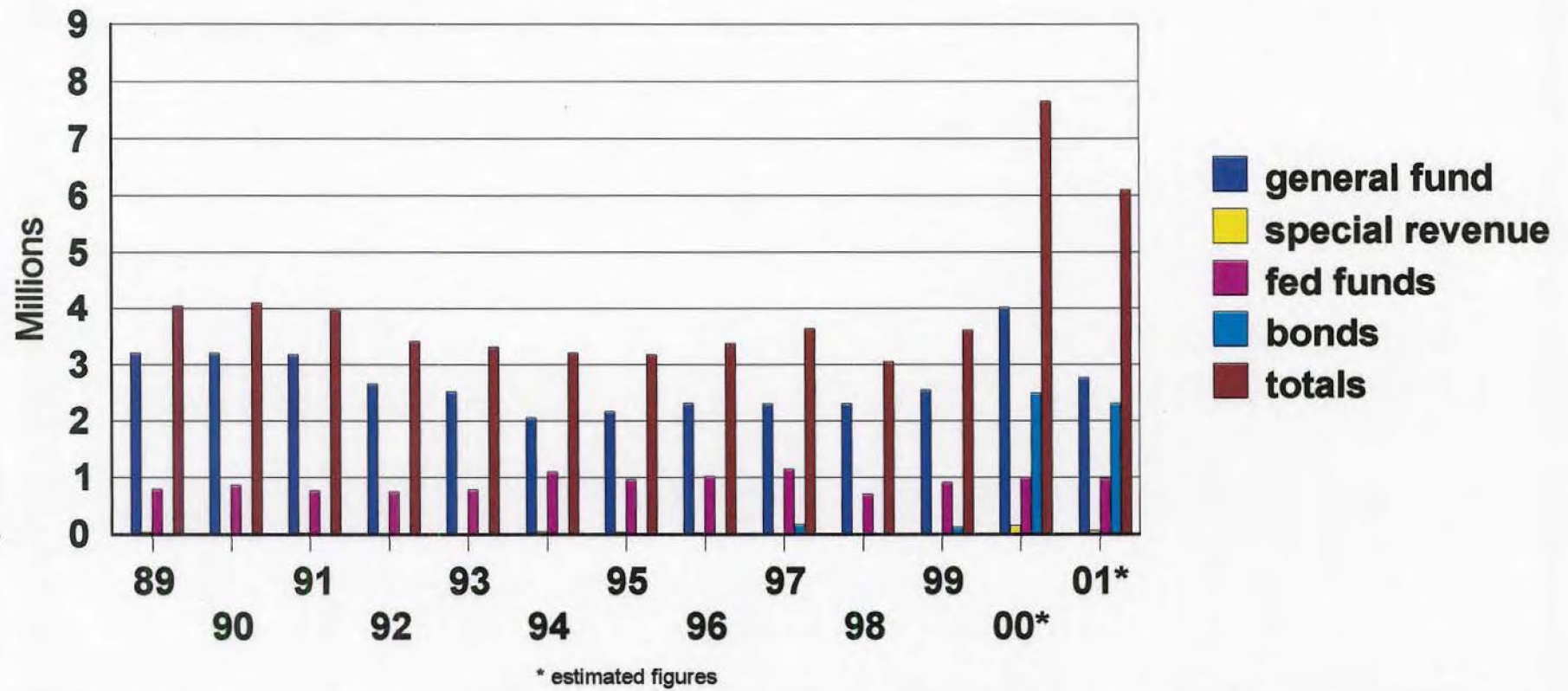
	89	90	91	92	93	94	95	96	97	98	99	00*	01*
general fund positions	65	65	66	57.5	55.5	48	48	47	47	47	47	47	47
fed fund positions	2	2	2	4	4	11	14	13.5	13.5	13.5	13.5	13	13
total	67	67	68	61.5	59.5	59	62	60.5	60.5	60.5	60.5	60	60

\*estimated

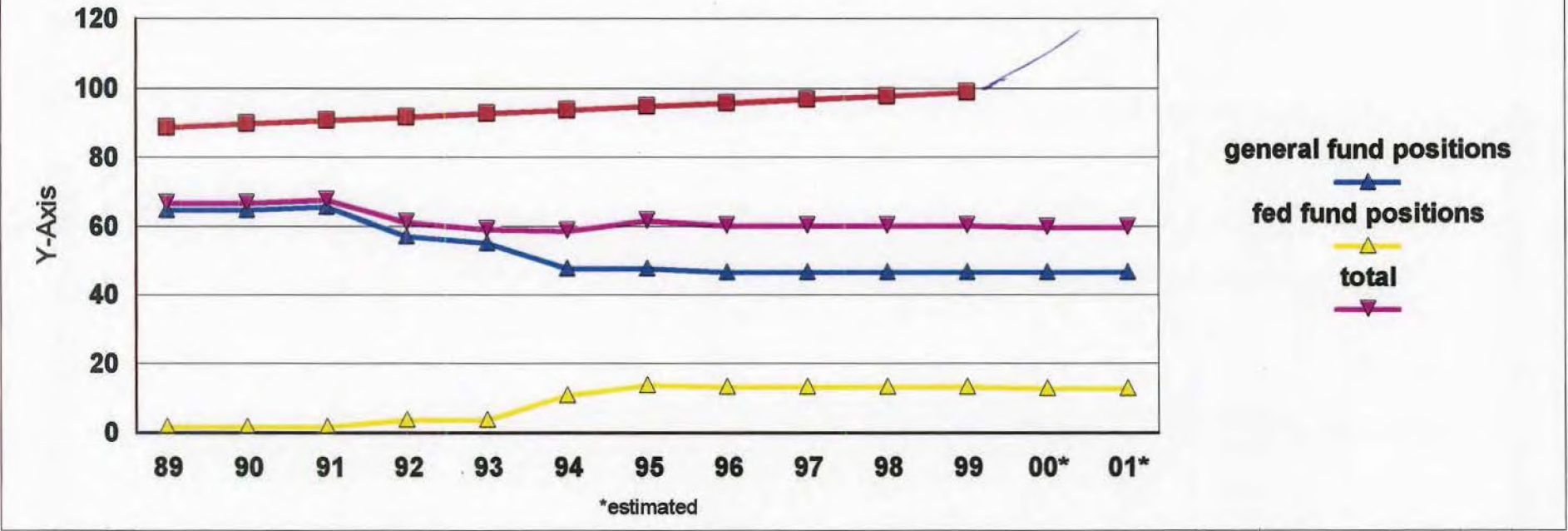
## Maine State Library



# Maine State Library

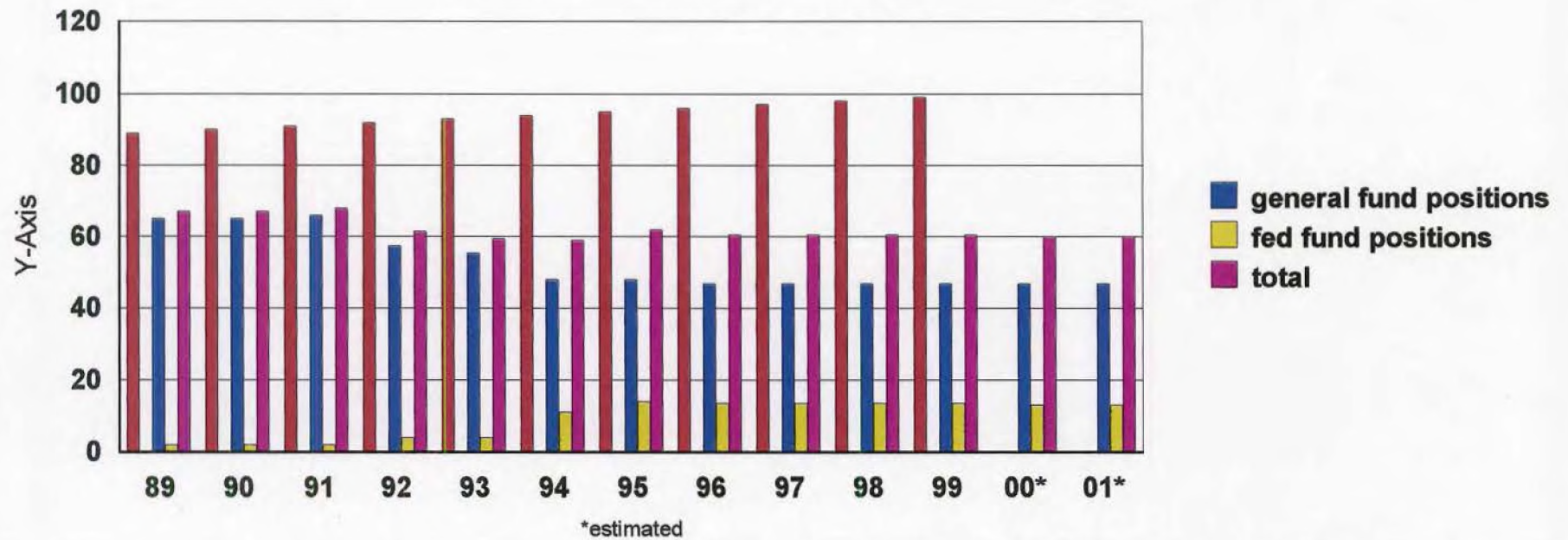


# Maine State Library - Positions





## Maine State Library - Positions





## **PARTNERSHIPS**

### **MAINE COMMUNITY CULTURAL ALLIANCE**

The Alliance, as a coalition of local and statewide groups representing libraries, the arts, historic preservation, and museums, is dedicated to the preservation, appreciation, and enhancement of Maine's cultural resources and their effect on Maine's quality of life. Its activities range from providing information and education on the importance of vital cultural resources to a healthy and dynamic society, to assisting organizations in the pursuit of goals that have significant impact on Maine's cultural and economic well-being.

### **MAINE CULTURAL AFFAIRS COUNCIL**

The Maine Cultural Affairs Council was established in 1991 to unite four, ultimately seven, of the state's cultural agencies in their encouragement of cooperation within the cultural activities of Maine. The duties of the Council call for the coordination of budget requests, the provision of a forum for interagency planning, a liaison capacity for receipt and distribution of notices and instructions from governmental administrative agencies, a mechanism to enhance statewide cultural planning, and the presentation of an annual report. Members include: Maine State Library, Maine State Museum, the Maine Arts Commission, Maine Historic Preservation Commission, Maine State Archives, Maine Historical Society, and the Maine Humanities Council. See New Century Community Grants Program.

### **CULTURAL AGENCIES**

A unique partnership in state government was created among Maine's four cultural agencies in 1993, when the four agencies consolidated their business and personnel operations under one office, at the Maine State Library. This development has fostered a greater commitment to cooperation among the cultural agencies and their commissions, as well as a sense of mutual concern and effort. It has allowed all of us to think and plan in new ways: combining our interests, our staffs, and our constituencies to strengthen the presentation and integration of cultural resources throughout the state.

### **NEW CENTURY COMMUNITY GRANTS PROGRAM**

The New Century Community Grants Program was developed by the Maine Cultural Affairs Council and supported by the Maine Community Cultural Alliance. The Program is designed as cooperate cultural initiative to preserve

priceless historic properties, artifacts and documents; enrich educational opportunities; and provide a basis for future economic and social development. The Program is opened to all Maine Communities.

## MAINE DEPARTMENT OF EDUCATION

The Maine State Library and The Maine Department of Education have a long history and association, through a mutual concern for providing educational opportunities and availability to library services. The most recent examples of collaboration between the agencies are The Maine School and Library Network, which has connected all schools and local libraries to the Internet; and The ATM (broadband two-way video, data and voice) Network. The Maine School and Library Network has also received support and assistance from the Public Utilities Commission, the Office of the Public Advocate, the Maine Science and Technology Foundation, Northern Maine Technical College, and the University of Maine System. Other collaborating agencies involved in the ATM Network are the Bureau of Information Services, the Department of Administrative and Financial Services, and the Computer and Data Processing Services of the University of Maine System.

## GATES LIBRARY INITIATIVE STATE PARTNERSHIP GRANT PROGRAM

The purpose of the Gates Library Initiative grants is to expand the availability of public access computing, and to provide access to the Internet and to digital information through the public library. Through the efforts of the Maine State Library and the generosity of the Gates Foundation, Maine was one of only 15 states eligible to submit an application for funds to supply hardware and software to libraries in areas of poverty greater than 10 percent. Maine's application was approved and 136 public libraries are eligible for grants.

## **CONSTITUENCIES**

The Maine State Library serves a variety of constituents. They are:

All state government agencies.

All state residents on a walk-in basis or by telephone.

Through the mail, approximately 300,000 Maine citizens not served by a local library.

Libraries of all types within the Central Maine State Library District – approximately 1/3 of the libraries within the state.

Readers throughout the state with special needs, for instance the sight impaired and physically handicapped.

## EMERGING ISSUES

**MAINE INFO NET**A contract has been signed with Innovative Interface Inc. for a statewide automated library network which will include all types of libraries. The network, Maine Info Net, will make it possible for any Maine library to afford a sophisticated integrated full management library system at a cost far below that of the same system purchased on a stand-alone basis. The network will offer the following capabilities:

- Cataloging
- Circulation
- Public access catalog
- Web access to catalog
- Patron-initiated ILL capability
- Acquisitions
- Serials control
- Z39.50 client/server capability
- Authority control
- OCLC record interface
- Scoping for solo display of local library holdings

The network will create a dynamic statewide union catalog consisting of bibliographic information. The vision is that every library in the state serves as a gateway to the total library and information resources in the state and to comprehensive choice of electronic information. These resources will be organized and managed efficiently and in such a way that they will be available to all Maine citizens regardless of location.

**THE MAINE COMMUNITIES IN THE NEW CENTURY PROGRAM** During the last legislative session, the Legislature passed this program for statewide cultural revitalization. Known as "The Cultural Initiative", the program was created by the Cultural Affairs Council, which consists of seven agencies – Maine State Library, Maine Arts Commission, Maine State Museum, Maine Historic Preservation Commission, Maine Historical Society, Maine State Archives and Maine Humanities Council. The innovative program provides matching grants and technical assistance to help Maine communities preserve their unique historic properties, artifacts, and documents; expand their educational resources by promoting literacy and the access of their citizens to historic and cultural materials; and strengthen their libraries, museums, theaters, and other cultural institutions and build on their heritage as the basis for economic and social development. Funding for the program was only for one year. Further funding is needed to continue to raise Maine's arts and cultural institutions to a higher level of effectiveness as a cohesive force for economic growth.

**MAINE STATE LIBRARY BOOK BUDGET** The last two years the Maine State Library has received a \$200,000 increase in its book budget. Both increases were for one year only. This additional funding brought to the State Library book budget the ability to expand the collection to meet the needs of the libraries various constituents. The State

Library plays a key role in the sharing of library resource both throughout the Central Maine Library district and the state. A partnership exists among the Bangor and Portland Public Libraries and the State Library to provide interlibrary loan and information sharing to all types of libraries throughout the state. The additional book money has allowed the State Library to serve its Central Maine District Library members on an equal basis with the other two districts. It has also made it possible for the State Library to offer to its walk-in patrons access to the world of on-line electronic information.

**ATM TECHNOLOGY AND THE MAINE DEPARTMENT OF EDUCATION** On a level of cooperation rare in state government the Maine State Library and The Maine Department of Education are participating in a statewide distance learning project called ATM. ATM technology provides the wide bandwidth capacity to carry real-time interactive video and data over the telephone networks with ample room for growth and the flexibility to adapt to standards and technologies yet to be developed.

**UNIFIED BUDGET PROTOTYPE**  
**Form UB**  
**Chapter 16, Part A**

**Department: MAINE STATE LIBRARY 94Q**

	1999-00	2000-01
<b>Department Summary – All Funds</b>		
Positions – Legislative Count	60	60
Positions – FTE Count		
Personal Services	\$2,393,567	\$2,448,393
All Other	\$1,324,534	\$1,370,570
Capital Expenditures	\$65,000	\$20,000
Total	\$3,783,101	\$3,838,963
<b>Department Summary – General Fund</b>		
Positions – Legislative Count	47	47
Positions – FTE Count		
Personal Services	\$1,923,359	\$1,962,348
All Other	\$658,090	\$703,795
Capital Expenditures	\$65,000	\$20,000
Total	\$2,646,449	\$2,686,143
<b>Department Summary – Federal Expenditure Fund</b>		
Positions – Legislative Count	13	13
Positions – FTE Count		
Personal Services	\$470,208	\$486,045
All Other	\$636,419	\$636,750
Capital Expenditures		
Total	\$1,106,627	\$1,122,795
<b>Department Summary – Other Special Revenue Funds</b>		
Positions – Legislative Count		
Positions – FTE Count		
Personal Services		
All Other	\$30,025	\$30,025
Capital Expenditures		
Total	\$30,025	\$30,025
<b>Department Summary – Highlight this message and type fund name</b>		
Positions – Legislative Count		
Positions – FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
Total	\$	\$

**Goal:** Regardless of location or residency, Maine people will have full access to the Maine State Library information system.

**Objective:** By the year 2002, 20% of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

Administration 0215

Provides leadership for development of library services in Maine.

	<b>Baseline</b>	<b>1999-00</b>	<b>2000-01</b>
<b><u>Performance Measures</u></b>			
1. Number of ATM sessions	40	100	200
2. Number of Maine citizens contacting the Maine State Library through telephone, mail, e-mail and fax contacts.	30,000	35,000	37,000
3. Number of Maine citizens using the Internet through public access terminals at the Maine State Library.	5,000	6,000	7,000

Program Summary – All Funds

Positions - Legislative Count	4	4
Positions - FTE Count		
Personal Services	\$233,058	\$235,313
All Other	\$90,650	\$97,050
Capital Expenditures		
<b>Total</b>	<b>\$323,708</b>	<b>\$332,363</b>

General Fund

Positions – Legislative Count	4	4
Positions - FTE Count		
Personal Services	\$233,058	\$235,313
All Other	\$90,650	\$97,050
Capital Expenditures		
<b>Total</b>	<b>\$323,708</b>	<b>\$332,363</b>

Highlight this message and type fund name

Positions – Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

Highlight this message and type fund name

Positions – Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

Highlight this message and type fund name

Positions - Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

**Goal:** Regardless of location or residency, Maine people will have full access to the Maine State Library information system.

**Objective:** By the year 2002, 20% of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

Library Development 0217

Provides leadership and support for library development in all types of libraries throughout the state

<b>Performance Measure</b>		<b>Baseline</b>	<b>1999-00</b>	<b>2000-01</b>
1.	Number of libraries throughout the state participating in the Maine Library Information System.	21	40	50
2.	Number of resources shared among Maine libraries.	13,263	13,800	14,200
3.	Number of consultations delivered by Maine Library District Consultants.	200	250	300
4.	Number of Maine citizens using or aware of the Maine Library Information System.	500,000	500,500	600,000

Program Summary – All Funds

Positions - Legislative Count	39	39
Positions - FTE Count		
Personal Services	\$1,512,974	\$1,549,840
All Other	\$1,017,844	\$1,018,575
Capital Expenditures	\$50,000	\$4,000
<b>Total</b>	<b>\$2,580,818</b>	<b>\$2,572,415</b>

General Fund

Positions – Legislative Count	26	26
Positions - FTE Count		
Personal Services	\$1,042,766	\$1,063,795
All Other	\$351,400	\$351,800
Capital Expenditures	\$50,000	\$4,000
<b>Total</b>	<b>\$1,444,166</b>	<b>\$1,419,595</b>

Federal Expenditure Fund

Positions – Legislative Count	13	13
Positions - FTE Count		
Personal Services	\$470,208	\$486,045
All Other	\$636,419	\$636,750
Capital Expenditures		
<b>Total</b>	<b>\$1,106,627</b>	<b>\$1,122,795</b>

Other Special Revenue Funds

Positions – Legislative Count		
Positions - FTE Count		
Personal Services		
All Other	\$30,025	\$30,025
Capital Expenditures		
<b>Total</b>	<b>\$30,025</b>	<b>\$30,025</b>

Highlight this message and type fund name

Positions - Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>



**Goal:** Regardless of location or residence, Maine people will have full access to the Maine State Library information system.

**Objective:** By the year 2002, 20% of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

Special Acquisition 0260

Provide funds to the Maine State Library for the purchase of historically significant material.

**Performance Measures**

	Baseline	1999-00	2000-01
1. Number of historically significant items purchased annually and added to collection of the Maine State Library.	0	0	1

Program Summary – All Funds

Positions - Legislative Count		
Positions - FTE Count		
Personal Services		
All Other	\$500	\$500
Capital Expenditures		
Total	\$500	\$500

General Fund

Positions – Legislative Count		
Positions - FTE Count		
Personal Services		
All Other	\$500	\$500
Capital Expenditures		
Total	\$500	\$500

Highlight this message and type fund name

Positions – Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
Total	\$	\$

Highlight this message and type fund name

Positions – Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
Total	\$	\$

Highlight this message and type fund name

Positions - Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
Total	\$	\$

- Goal:** Regardless of location or residency, Maine people will have full access to the Maine State Library information system.
- Objective:** By the year 2002, 20% of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

Reader & Information Services 0216

Delivers quality information, reference and loan services to state agency personnel, the general public, and Maine libraries.

	<b>Baseline</b>	<b>1999-00</b>	<b>2000-01</b>
<b>Performance Measures</b>			
1. Number of citizens and libraries using the Maine State Library.	15,000	16,000	17,000
2. Number of interlibrary loans filled by the Maine State Library.	13,263	13,800	14,200
3. Number of circulation and other measurements of library use, including Internet access.	44,000	46,000	48,000
4. Number of citizens aware of library services and Maine Library Information Systems.	500,000	500,500	600,000

Program Summary – All Funds

Positions - Legislative Count	17	17
Positions - FTE Count		
Personal Services	\$647,535	\$663,240
All Other	\$215,540	\$254,445
Capital Expenditures	\$15,000	\$16,000
<b>Total</b>	<b>\$878,075</b>	<b>\$933,685</b>

General Fund

Positions – Legislative Count	17	17
Positions - FTE Count		
Personal Services	\$647,535	\$663,240
All Other	\$215,540	\$254,445
Capital Expenditures	\$15,000	\$16,000
<b>Total</b>	<b>\$878,075</b>	<b>\$933,685</b>

Highlight this message and type fund name

Positions – Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

Highlight this message and type fund name

Positions – Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

Highlight this message and type fund name

Positions - Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

**BUDGET ADJUSTMENTS/SUPPLEMENTALS PROTOTYPE****Form BB**

P.L. 1999, C. 401 – Sec. A-1

**Department: MAINE STATE LIBRARY 94Q**

**Goal:** Regardless of location or residency Maine people will have full access to the Maine State Library information system.

**Objective:** By the year 2002, 20% of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

Library Development Services 0217

Provides leadership and support for library development in all types of libraries throughout the State.

**Current Services Targets****Current Performance Measures**

	Baseline	1999-00	2000-01
1 Number of libraries throughout the state participating in the Maine Library Information System.	21	40	50
2 Number of resources shared among Maine libraries.	13,263	13,800	14,200
3 Number of consultations delivered by Maine State Library District consultants.	200	250	300
4 Number of Maine citizens using or aware of the Maine Library Information System.	500,000	500,500	600,000

**New Initiative:** *Transfer appropriated funds from Program 0216 , Reader & Information Services for the purpose of combining the two programs.*

**Incremental Change**Performance Measures Affected

None – Operational Organization

1999-00

2000-01

**General Fund**

Positions – Legislative Count	17	17
Positions – FTE Count		
Personal Services	\$647,535	\$663,240
All Other	\$215,540	\$254,445
Capital Expenditures	\$15,000	\$16,000
<b>Total</b>	<b>\$878,075</b>	<b>\$933,685</b>

**Highlight this message and type fund**

Positions – Legislative Count		
Positions - FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

**New Initiative:** *Additional operating costs associated with MaineCat and Maine InfoNet updates.*

**Incremental Change**Performance Measures Affected

None – Operational Organization

1999-00

2000-01

#	#
#	#
#	#
#	#

**General Fund**

Positions – Legislative Count  
Positions – FTE Count  
Personal Services

All Other  
Capital Expenditures

	\$75,000	\$75,000
Total	\$75,000	\$75,000

Highlight this message and type fund  
Positions – Legislative Count  
Positions – FTE Count  
Personal Services  
All Other  
Capital Expenditures

	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

**New Initiative: Highlight this message and type blippie**

**Performance Measures Affected**

Highlight this message and type performance measure affected  
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Highlight this message and type performance measure affected  
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**Incremental Change**  
**1999-00 2000-01**

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#	#
#	#

Highlight this message and type fund  
Positions – Legislative Count  
Positions – FTE Count  
Personal Services  
All Other  
Capital Expenditures

	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

Highlight this message and type fund  
Positions – Legislative Count  
Positions - FTE Count  
Personal Services  
All Other  
Capital Expenditures

	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

**Updated Performance Measures**

- Highlight this message and type performance measure
- Highlight this message and type performance measure
- Highlight this message and type performance measure
- Highlight this message and type performance measure
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**New Performance Targets**  
**Baseline 1999-00 2000-01**

#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#

**Total Agency/Department Budget Adjustments/Supplementals**

**1999-00 2000-01**

Department Summary – All Funds

Highlight this message and type fund  
Highlight this message and type fund  
Highlight this message and type fund  
Highlight this message and type fund  
Highlight this message and type fund

\$	\$
\$	\$
\$	\$
\$	\$
\$	\$

**BUDGET ADJUSTMENTS/SUPPLEMENTALS PROTOTYPE****Form BB**

P.L. 1999, C.401, Sec. A-1

**Department: MAINE STATE LIBRARY 94Q**

**Goal:** Regardless of location or residency Maine people will have full access to the Maine State Library Information System.

**Objective:** By the year 2002, 20% of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

Reader & Information Services 0216

Delivers quality information, reference and loan services to state agency personnel, the general public, and Maine libraries.

**Current Services Targets**Current Performance Measure

	Baseline	1999-00	2000-01
1 Number of citizens and libraries using the Maine State Library.	15,000	16,000	17,000
2 Number of interlibrary loans filled by the Maine State Library.	13,263	13,800	14,200
3 Number of circulation and other measurements of library use, including Internet access.	44,000	46,000	48,000
4 Number of citizens aware of library services and Maine Library Information System.	500,000	500,500	600,000

**New Initiative:** *Transfer appropriation of funds to Program 0217, Library Development Services for the purpose of combining the two programs.*

**Incremental Change**Performance Measures Affected

1999-00      2000-01

None – Operational Organization

**General Fund**

Positions – Legislative Count	-17	-17
Positions – FTE Count		
Personal Services	\$(647,535)	\$(663,240)
All Other	\$(215,540)	\$(254,445)
Capital Expenditures	\$(15,000)	\$(16,000)
<b>Total</b>	<b>\$(878,075)</b>	<b>\$(933,685)</b>

**Highlight this message and type fund**

Positions – Legislative Count		
Positions – FTE Count		
Personal Services	\$	\$
All Other	\$	\$
Capital Expenditures	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>

**New Initiative:** *Highlight this message and type blippie*

Performance Measures Affected**Incremental Change**

	1999-00	2000-01
Highlight this message and type performance measure affected	#	#
Highlight this message and type performance measure affected	#	#
Highlight this message and type performance measure affected	#	#
Highlight this message and type performance measure affected	#	#

**Highlight this message and type fund**

Positions – Legislative Count		
Positions – FTE Count		
Personal Services	\$	\$
All Other	\$	\$

Microsoft Word-Attachment D  
Capital Expenditures

	\$	\$
Total	\$	\$

Highlight this message and type fund  
Positions – Legislative Count  
Positions – FTE Count  
Personal Services  
All Other  
Capital Expenditures

	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

New Initiative: *Highlight this message and type blippie*

Performance Measures Affected

Highlight this message and type performance measure affected  
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Highlight this message and type performance measure affected  
Highlight this message and type performance measure affected

Incremental Change  
1999-00 2000-01

#	#
#	#
#	#
#	#

Highlight this message and type fund  
Positions – Legislative Count  
Positions – FTE Count  
Personal Services  
All Other  
Capital Expenditures

	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

Highlight this message and type fund  
Positions – Legislative Count  
Positions – FTE Count  
Personal Services  
All Other  
Capital Expenditures

	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

Updated Performance Measures

- Highlight this message and type performance measure
- Highlight this message and type performance measure
- Highlight this message and type performance measure
- Highlight this message and type performance measure
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- Highlight this message and type performance measure

New Performance Targets  
Baseline 1999-00 2000-01

#	#	#
#	#	#
#	#	#
#	#	#
#	#	#
#	#	#

Total Agency/Department Budget Adjustments/Supplementals  
Department Summary – All Funds

1999-00 2000-01

General Fund  
Highlight this message and type fund  
Highlight this message and type fund  
Highlight this message and type fund  
Highlight this message and type fund

\$75,000	\$75,000
\$	\$
\$	\$
\$	\$
\$	\$

**BUDGET DOCUMENT PROTOTYPE**  
**SUMMARY OF DEPARTMENT APPROPRIATIONS/ALLOCATIONS**  
**Form BD1**  
**Chapter 16, Part A**

Department: MAINE STATE LIBRARY 94Q

FY 98	FY 99	FY 00	FY 01	FY 00	FY 01
Approp/Alloc	Approp/Alloc	Dept	Dept	Budget	Budget
All Funds	All Funds	All Funds	All Funds	All Funds	All Funds

Goal: Regardless of location or residency Maine people will have full access to the Maine State Library Information System.

Objective: By the year 2002, 20 % of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

<b><u>Administration 0215</u></b>	\$246,531	\$249,934	\$323,708	\$332,363	\$323,708	\$332,363
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**Performance Measures**

Baseline

- |  |              |        |        |        |
|--|--------------|--------|--------|--------|
| 1. Number of ATM sessions.   | If available | 40     | 100    | 200    |
| 2. Number of Maine citizens contacting the Maine State Library through telephone, e-mail and fax contacts. |              | 30,000 | 35,000 | 37,000 |
| 3. Number of Maine citizens using the Internet through public access terminals at the Maine State Library. | If available | 5,000  | 6,000  | 7,000  |
|  | If available |        |        |        |
|  | If available |        |        |        |
|  | If available |        |        |        |

<b><u>Library Special Acquisition Fund 0260</u></b>	\$430	\$512	\$25,000	\$25,000	\$500	\$500
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**Performance Measures**

Baseline

- |  |              |   |   |   |
|--|--------------|---|---|---|
| 1. Number of historically significant items purchased annually and added to collection of the Maine State Library. | If available | 0 | 0 | 1 |
|  | If available |   |   |   |
|  | If available |   |   |   |
|  | If available |   |   |   |
|  | If available |   |   |   |
|  | If available |   |   |   |

<b><u>Library Development Services 0217</u></b>	\$2,666,569	\$2,736,482	\$2,580,818	\$2,572,415	\$2,580,818	\$2,572,415
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**Performance Measures**

Baseline

*Microsoft Word-Attachment F*

1.	Number of libraries throughout the state participating in the Maine Library Information System.	If available	21	40	50	N/A	N/A
2.	Number of resources shared among Maine libraries.	If available	13,263	13,800	14,200	N/A	N/A
3.	Number of consultations delivered by Maine State Library District Consultants.	If available	200	250	300	N/A	N/A
4.	Number of Maine citizens using or aware of the Maine Library Information System.	If available	500,000	500,500	600,000	N/A	N/A

[illegible]



**Reader & Information Services 0216**

\$787,615      \$1,022,078      \$953,075      \$1,008,685      \$878,075      \$933,685

**Performance Measures**

**Baseline**

1. Number of citizens and libraries using the Maine State Library. If available
2. Number of interlibrary loans filled by the Maine State Library If available
3. Number of circulation and other measurements of library use, including Internet access. If available
4. Number of citizens aware of library services and Maine Library Information System. If available

15,000      16,000      17,000

13,263      13,800      14,200

44,000      46,000      48,000

500,000      500,500      600,000

**FY 98      FY 99      FY 00      FY 01      FY 00      FY 01**  
**Approp/Alloc      Approp/Alloc      Dept      Dept      Budget      Budget**

**Total Department Appropriations/Allocations**

Department Summary – All Funds	\$3,701,145	\$4,009,006	\$3,882,601	\$3,938,463	\$3,783,101	\$3,838,963
General Fund	\$2,389,745	\$2,671,703	\$2,745,949	\$2,785,643	\$2,646,449	\$2,686,143
Federal Expenditure Fund	\$1,285,219	\$1,310,053	\$1,106,627	\$1,122,795	\$1,106,627	\$1,122,795
Other Special Revenue Funds	\$26,181	\$27,250	\$30,025	\$30,025	\$30,025	\$30,025
Highlight this message and type fund						
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**BUDGET DOCUMENT PROTOTYPE  
PROGRAM STRATEGY DETAIL  
Form BD2  
Chapter 16, Part A**

**MAINE STATE LIBRARY 94Q**

<b>Goal:</b>	Regardless of location or residency Maine people will have full access to the Maine State Library Information System.
<b>Objective:</b>	By the year 2002, 20 % of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

**Administration 0215**

Approp/Alloc: 010-94Q-0215-39

Provides leadership for development of library services in Maine. .

**Description of Program Activities**

Coordinates the work of all staff, prepares and supports necessary legislative action concerning libraries, provides all necessary fiscal information and manages and administers Maine State Library Network.

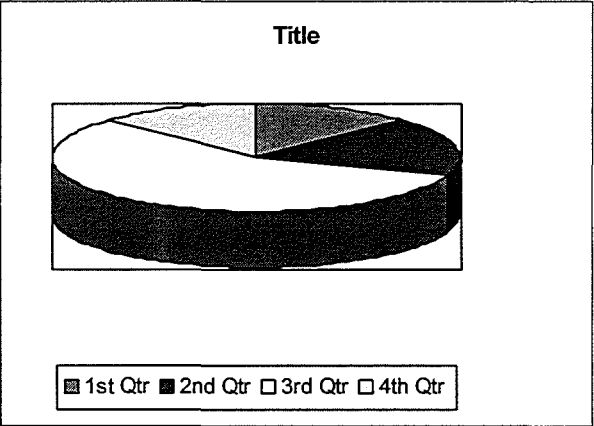
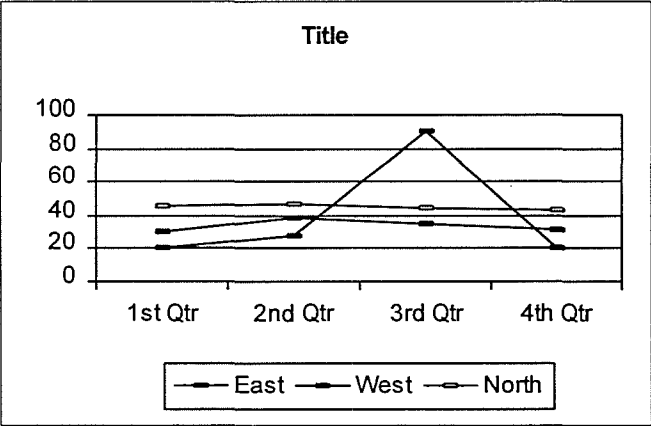
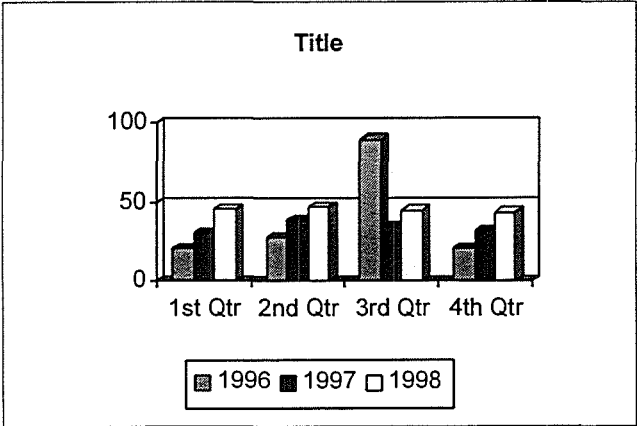
<u>Funding</u>	<b>FY 98 Approp/Alloc</b>	<b>FY 99 Approp/Alloc</b>	<b>FY 00 Dept</b>	<b>FY 01 Dept</b>	<b>FY 00 Budget</b>	<b>FY 01 Budget</b>
General Fund	\$246,531	\$249,934	\$323,708	\$332,363	\$323,708	\$332,363
Highlight this message and type fund name						
Highlight this message and type fund name						
Highlight this message and type fund name						
<b>Total</b>	<b>\$246,531</b>	<b>\$249,934</b>	<b>\$323,708</b>	<b>\$332,363</b>	<b>\$323,708</b>	<b>\$332,363</b>
<u>Positions</u>						
General Fund	4	4	4	4	4	4

**Performance Measures****Baseline**

- |  |              |        |        |        |
|--|--------------|--------|--------|--------|
| 1. Number of ATM sessions.   | If available | 40     | 100    | 200    |
| 2. Number of Maine citizens contacting the Maine State Library through telephone, e-mail and fax contacts. | If available | 30,000 | 35,000 | 37,000 |
| 3. Number of Maine citizens using the Internet through public access terminals at the Maine State Library. | If available | 5,000  | 6,000  | 7,000  |

**Explanatory Information** Highlight this message and type explanatory information

**Graphical Depiction of Measures**



# BUDGET DOCUMENT PROTOTYPE PROGRAM STRATEGY DETAIL

## Form BD2 Chapter 16, Part A

### MAINE STATE LIBRARY 94Q

<b>Goal:</b>	Regardless of location or residency Maine people will have full access to the Maine State Library Information System.
<b>Objective:</b>	By the year 2002, 20 % of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

### Library Special Acquisition Fund 0260

Approp/Alloc: 010-94Q-0260-42

Provides funds to the Maine State Library for the purchase of historically significant material.

### Description of Program Activities

Provides funds to the Maine State Library to purchase expensive historically significant Maine material.

<u>Funding</u>	<b>FY 98 Approp/Alloc</b>	<b>FY 99 Approp/Alloc</b>	<b>FY 00 Dept</b>	<b>FY 01 Dept</b>	<b>FY 00 Budget</b>	<b>FY 01 Budget</b>
General Fund	\$430	\$512	\$25,000	\$25,000	\$500	\$500
<b>Total</b>	<b>\$430</b>	<b>\$512</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$500</b>	<b>\$500</b>

### Performance Measures

1. Number of historically significant items purchased annually and added to the collection of the Maine State Library.

If available

### Baseline

0

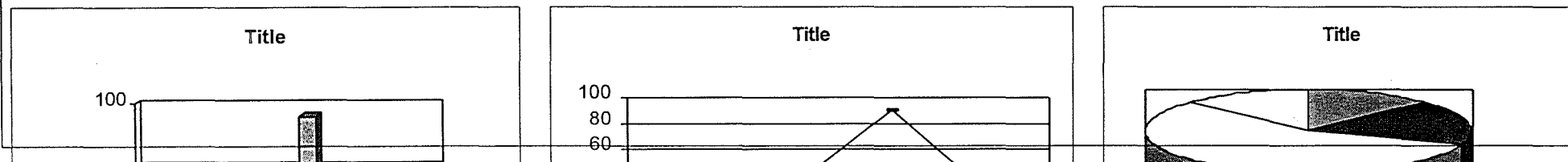
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1

### Explanatory Information

Highlight this message and type explanatory information

### Graphical Depiction of Measures



**BUDGET DOCUMENT PROTOTYPE  
PROGRAM STRATEGY DETAIL  
Form BD2  
Chapter 16, Part A**

**MAINE STATE LIBRARY 94Q**

<b>Goal:</b>	Regardless of location or residency Maine people will have full access to the Maine State Library Information System.
<b>Objective:</b>	By the year 2002, 20% of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

**Library Development Services 0217**

Provides leadership and support for library development in all types of libraries throughout the State. .

Approp/Alloc: 010-94Q-0217-41; 013-94Q-0217-32; 013-94Q-0217-33;  
014-94Q-0217-22**Description of Program Activities**

Oversees the Maine Regional Library System which enhance the development of Maine libraries by supplementing collections through interlibrary loan; provides consulting services to local libraries of all types; delivers library material to Maine residents with special needs through the Special Services division; provides programs to improve cooperative activities among libraries and develops resource sharing plans that benefit access to information for all Maine citizens.

<b><u>Funding</u></b>	<b>FY 98 Approp/Alloc</b>	<b>FY 99 Approp/Alloc</b>	<b>FY 00 Dept</b>	<b>FY 01 Dept</b>	<b>FY 00 Budget</b>	<b>FY 01 Budget</b>
General Fund	\$1,355,169	\$1,399,179	\$1,444,166	\$1,419,595	\$1,444,166	\$1,419,595
Federal Expenditure Fund	\$1,285,219	\$1,310,053	\$1,106,627	\$1,122,795	\$1,106,627	\$1,122,795
Other Special Revenue Funds	\$26,181	\$27,250	\$30,025	\$30,025	\$30,025	\$30,025
Highlight this message and type fund name						
<b>Total</b>	<b>\$2,666,569</b>	<b>\$2,736,482</b>	<b>\$2,580,818</b>	<b>\$2,572,415</b>	<b>\$2,580,818</b>	<b>\$2,572,415</b>

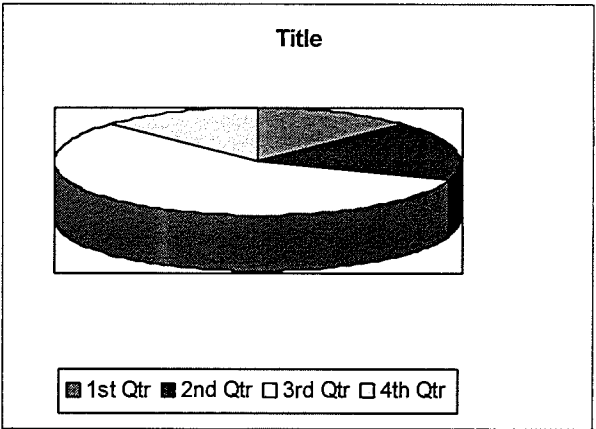
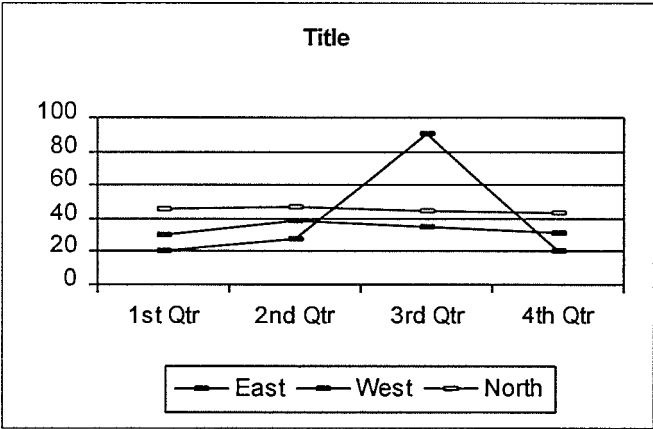
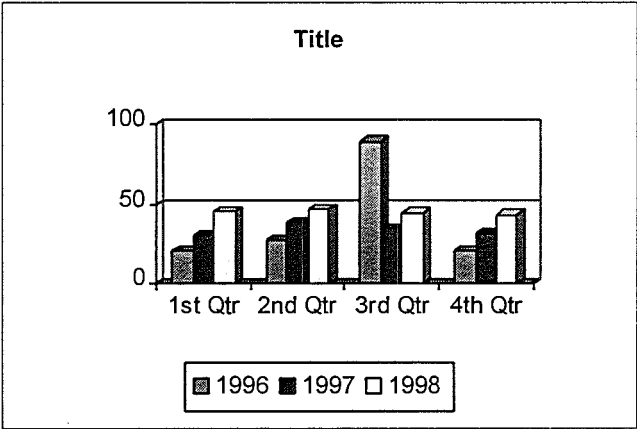
<b><u>Positions</u></b>						
General Fund	26	26	26	26	26	26
Federal Expenditure Fund	13	13	13	13	13	13
<b>Total</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>

**Performance Measures**

		<b>Baseline</b>		
1. Number of libraries throughout the state participating in the Maine Library Information System.	If available	21	40	50
2. Number of resources shared among Maine libraries.	If available	13,263	13,800	14,200
3. Number of consultations delivered by Maine State Library District consultants.	If available	200	250	300
4. Number of Maine citizens using or aware of the Maine Library Information System.	If available	500,000	500,500	600,000

**Explanatory Information** Highlight this message and type explanatory information

**Graphical Depiction of Measures**



**BUDGET DOCUMENT PROTOTYPE  
PROGRAM STRATEGY DETAIL  
Form BD2  
Chapter 16, Part A**

**MAINE STATE LIBRARY 94Q**

<b>Goal:</b>	Regardless of location or residency Maine people will have full access to the Maine State Library Information System.
<b>Objective:</b>	By the year 2002, 20% of Maine people will recognize and use the Maine State Library and its statewide library network as the central point for access to a state-of-the-art information system.

**Reader & Information Services 0216****Approp/Alloc:** 010-94Q-0216-40

Delivers quality information, reference and loan services to state agency personnel, the general public, and Maine libraries.

**Description of Program Activities**

Provides back-up library reference for all Maine citizens and local libraries; provides free access to State Library resources; preserves and manages the special resources and collections of the Maine State Library including electronic resources; enhances the quality and delivery of information services statewide through interlibrary loan; and ensures the effective and efficient management of resources entrusted to the Maine State Library..

<b><u>Funding</u></b>	<b>FY 98 Approp/Alloc</b>	<b>FY 99 Approp/Alloc</b>	<b>FY 00 Dept</b>	<b>FY 01 Dept</b>	<b>FY 00 Budget</b>	<b>FY 01 Budget</b>
General Fund	\$787,615	\$1,022,078	\$953,075	\$1,008,685	\$878,075	\$933,685
Highlight this message and type fund name	\$	\$	\$	\$	\$	\$
Highlight this message and type fund name	\$	\$	\$	\$	\$	\$
Highlight this message and type fund name	\$	\$	\$	\$	\$	\$
<b>Total</b>	<b>\$787,615</b>	<b>\$1,022,078</b>	<b>\$953,075</b>	<b>\$1,008,685</b>	<b>\$878,075</b>	<b>\$933,685</b>
<b><u>Positions</u></b>						
General Fund	17	17	17	17	17	17
Highlight this message and type fund name	#	#	#	#	#	#
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Highlight this message and type fund name	#	#	#	#	#	#
<b>Total</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>17</b>

<b><u>Performance Measures</u></b>		<b>Baseline</b>				
1. Number of citizens and libraries using the Maine State Library	If available	15,000	16,000	17,000	N/A	N/A
2. Number of interlibrary loans filled by the Maine State Library.	If available	13,263	13,800	14,200	N/A	N/A
3. Number of circulation and other measurements of library use, including Internet access.	If available	44,000	46,000	48,000	N/A	N/A
4. Number of citizens aware of library services and Maine Library Information Systems.	If available	500,000	500,500	600,000	N/A	N/A

**Explanatory Information** Highlight this message and type explanatory information

**Graphical Depiction of Measures**

