

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

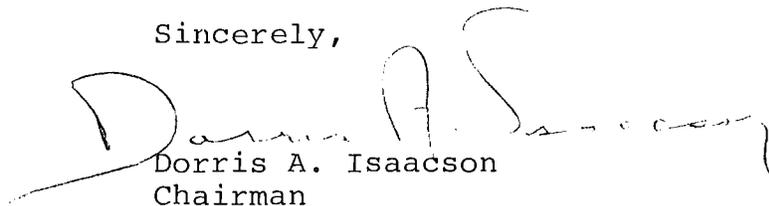
October 1, 1977

Legislative Council  
108th Legislature  
State House  
Augusta, Maine 04333

To the Honorable Members of the Council:

In accordance with H.P. 345, an order directing the Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources to study said resources for the purpose of establishing and implementing a consistent and coordinated policy by the State of Maine toward said resources, we enclose our final report complete with final drafts of proposed legislation toward that end.

Sincerely,

  
Dorris A. Isaacson  
Chairman

DAI:ps



C U L T U R A L   R E S O U R C E S   P O L I C Y

C O M M I T T E E

R E P O R T

Legislative Council

October 1, 1977

Ordered, H.P. 345



# C O N T E N T S

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Cultural Resources Policy Committee Report Prepared by

Dorris A. Isaacson, Chairman



## FOREWORD

Recognizing the critical importance of cultural values and the potential economic and spiritual benefits implicit in the State's significant historic and cultural resources, the 108th Legislature in March 1977 mandated the Joint Select Committee to develop a consistent and meaningful policy for the discharge of the State's responsibility in this vital area.

The Order was precipitated by the dichotomy of administrative and operational concepts that had developed in the policy vacuum existent since government cultural services were initiated in 1966.

The Committee has carried out its charge with awareness that the many forms of cultural activity are manifestations of Maine's unique way of life, and of a universal human need.

The diversity of cultural activities and their variables; the difficulties of applying methodology to intangibles without losing their essence; the scarcity of critical data; and the limitations of time, presented a formidable challenge to the Committee.

Since Maine life is its culture, the Committee's review centering upon the State's responsibility in cultural affairs necessarily covered a wide spectrum in the examination of cultural activities in their economic, political and social contexts. The Committee has tried to avoid over-simplification in preparing a concise report reflecting consensus of public concern, with recommendations for resolution of existing problems and requisite legislative proposals.

Over a period of five months the Committee conducted its research in the public and private sectors. Viewing the State's role as supportive in providing cultural opportunities, not as arbiter of the public taste, the Committee has sought

realistic rather than theoretical answers to the complex questions raised during the inquiry. Quality, standards, goals and economic factors have been major considerations in assaying government participation with the private sector in the ongoing development of Maine's cultural life.

The Committee has been immeasurably aided in its efforts by the forthrightness and competence of the cultural agencies in supplying inventories and budgetary data on programs, operations and administration of services; by the generous cooperation of knowledgeable citizens representing the diverse cultural and related elements in the private sector; and by the staff assistance provided by the Legislative Leadership in the person of James H. Mundy, Assistant to the Speaker of the House. The Committee also has been encouraged in its efforts by the interest manifested by Governor and Mrs. James B. Longley in cultural activities for and by the people of Maine.

In looking to Maine's future, the Committee believes that adoption and implementation of the measures herewith recommended will provide a viable means toward achieving the economical, efficient and effective administration and operation of quality cultural services by the State of Maine desirable in the public interest.

RESOLUTION TOWARD THE DEVELOPMENT OF A CULTURAL RESOURCES POLICY

FOR THE STATE OF MAINE

WHEREAS, the government of the State of Maine is the most important institution in the State, which through its power to control and regulate its citizens, to compel their obedience, and to protect and care for them, renders it in its sovereign power unequalled by any other organization within the State; and

WHEREAS, it is in the best interest of the State to give encouragement to public and private institutions and agencies which promote a common understanding and appreciation by Maine citizens of the heritage and achievements of their State and their contribution to the variety and richness of Maine life; and

WHEREAS, a purpose of this Joint Select Committee is to improve the programs and services of the agencies that administer the historic and cultural responsibilities of the State by promoting the development of a cogent policy with standards of excellence for the effective conduct of these agencies and activities with respect to themselves, the public and with those private institutions and agencies operating in these fields; now, therefore, be it

RESOLVED, that the Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources, having decided to initiate action that will promote the development of a consistent and coherent cultural resources policy and quality program by the State of Maine, hereby adopts the Statement of Principles set forth in this Resolution for the general guidance of the membership of the Joint Select Committee and the public.

## STATEMENT OF PRINCIPLES

The following principles are adopted by the Joint Select Committee to assist the State in the establishment and implementation of a consistent and coordinated cultural resources policy and program:

1

### LEGISLATION

Comprehensive legislation which recognizes the fundamental importance of the historic and cultural resources and activities of the State and their potential benefit to the economic, cultural and spiritual well being of the citizens of Maine; and provides exclusive authority to the agencies operating in these fields to carry out their functions and responsibilities.

2

### AGENCY IDENTITY

Sufficient autonomy for historic and cultural agencies to protect them against political interference, including tenure for the agency head, civil service protection for their personnel; and control of agency equipment and resources.

3

### ORGANIZATIONAL PLACEMENT

Placement within the government that prevents the submersion of the agencies beneath competing interests; eliminates confusion of their functions and programs with other professional agencies and disciplines; protects them against interference with their program responsibilities under the color of coordination authority; and eliminates restrictive supervision and control by those having little or no professional knowledge of their program responsibilities and operations.

4

### PROGRAM AUTHORITY

Sufficient authority for the agencies to define the problems and needs of the State in their respective fields, to prescribe appropriate programs, and to effectively administer the programs.

5

EXCLUSIVE RESPONSIBILITY

Exclusive program responsibilities that do not diffuse the primary responsibilities of the agencies.

6

APPROPRIATION AND EXPENDITURE

Funding by direct appropriation to the agencies by the Legislature with authority to budget and expend such funds.

7

INTERNAL POLICY

Exclusive agency determination of the internal policies and professional needs of the agency.

POLICY RECOMMENDATION

It shall be the policy of the State of Maine to affirmatively and actively encourage and support the preservation, development, utilization and enhancement of the State's abundant and significant historic and cultural resources for the welfare of the State and for the economic and spiritual wellbeing of its citizens, and

The State of Maine shall initiate the measures necessary to provide the fundamental framework essential to the positive implementation of this policy, with standards of excellence for the most effective and economical conduct of cultural agencies and activities in relation to the public and to the private agencies and institutions operating in the historic and cultural fields, and

To this end, a Department of Cultural Resources shall be created to include, and to correlate the operations and programs of these existing State cultural agencies: Arts and Humanities, Historic Preservation, the State Library and the State Museum.

## I. INTRODUCTION

Within the general definition of culture as the way of life of a people, this report deals specifically with developments relating to Maine's cultural resources since the establishment of State cultural services beginning in the mid-1960s, when the National Foundation for the Arts and Humanities was created and the National Historic Preservation Act was enacted. This Congressional legislation was initiated in response to public recognition of the importance of cultural activity in the human environment which brought the realization that public funds as well as private enterprise are necessary to sustain cultural activities. With the Federal Arts and Humanities Endowments in 1965, culture became a public service, a right to which each citizen is entitled.

The tangible benefits as well as the intangible values of cultural activities have been amply demonstrated as public funding, for which there is extensive competition, has been spread over a wide variety of activities and distributed on a broad social and geographic scale as the result of political pressures. Not a hand-out, the matching grant system of government support for the arts and historic preservation is unlike other funding allocations in that cultural appropriations have a multiplying effect on the economy, raising the employment level and broadening the tax base. Cultural activities have been shown to contribute to the economy through local employment, services and trade, industrial location incentives and quality tourism.

In the light of political reality, with the increasing demand for cultural activities and their economic potential, testimony before the Cultural Resources Policy Committee documented the urgent need for measures to strengthen positive State support for cultural opportunities and to assure the appropriate conservation and development of Maine's cultural resources in the public interest so that they shall not be destroyed by callous exploitation.

Testimony emphasized that absence of overall State policy, direction and goals in the cultural area has generated problems which, notwithstanding professional dedication, are seriously overtaxing the capacity of State cultural agencies to provide adequate levels of services and benefits to the people of Maine.

With the advent of government participation in cultural affairs in this Country, architects of government structure found that administration of cultural services requires certain accommodations to function and operational flexibility due to the nature of these activities. As Federal programs evolved, the individual states, each with its own character and needs, have incorporated cultural services into their governments in various ways with varying results.

Experience has shown that cultural services are effectively administered and operated where appropriate standards and criteria have been recognized and applied. Conversely, where incompatible administrative patterns and criteria have been superimposed, cultural agency services and programs have suffered, consequently shortchanging the taxpayers in these services. It should be noted that whereas cultural activities in the broad areas of history and the arts are widely diversified, they interrelate and interact in contributing to the Maine way of life, therefore integrated policy and direction are mandatory at State level.

A cogent, coherent State policy of cultural dissemination that reaches the widest number and those who would not have access to culture on their own, will uphold integrity and standards of excellence, will foster creativity, and will contribute substantially to the economy.

Depositions before the Committee articulated Maine's problems in this area and offered affirmative suggestions for their resolution. It is on the informed and positive consensus emerging from this inquiry that the Committee's recommendations are based.

## II. BACKGROUND

Approaching the 1960s, a growing recognition of the importance of cultural values in the quality of American life gave impetus to widespread activity in the areas of historic heritage and the visual and performing arts. This of course was evident in the State of Maine.

By 1960, public interest in Maine's historic heritage began to be manifested in the formation of numerous historical organizations in communities throughout the State. At the same time, interest and activity in the visual and performing arts began to flourish, initially in the cultural centers of college campuses and institutions in the major population centers.

In 1961, in the private sector, members of the Maine Historical Society founded the Maine League of Historical Societies and Museums, a statewide organization which included not only historical organizations but also art museums whose exhibitions were beginning to attract large attendance. In the public sector, the then State Parks and Recreation Commission, with a citizen Advisory Committee, initiated a modest program of refurbishing Maine's long neglected coastal forts and other state-owned historic sites.

In the early 1960s cultural activity continued to accelerate through volunteer efforts in the private sector in the areas of history and the visual and performing arts. Lists of cultural events began appearing in the news media - painting, sculpture, photography exhibitions, gallery openings, symphony concerts, poetry readings, the folk arts. New talents were emerging in the theatre, the dance and in the skills of artisans and craftsmen, in Maine communities. Historical organizations proliferated in Maine's 16 counties, engaging not only in recording and publishing local history, but also in the preservation of historic buildings, sites

and cemeteries; in establishing historical museums displaying area artifacts, maps and documents, with some specializing in archaeology, genealogy, folklore, early arts and crafts. Others expanded into the highly technical field of architectural preservation to enhance the human environment of Maine communities. Bringing insight into today's problems, still others preserve and interpret the history of Maine's great lumber and maritime industries, as well as agricultural, domestic, ethnic, and other aspects that have contributed to the Maine way of life.

With the growing public interest and activity in the cultural fields, in the mid-1960s cultural legislation was enacted by the Federal and State governments. In Maine, a bond issue financed the construction of the Cultural Building housing the State Museum in the main section with wings for the State Library and the State Archives, an agency established in the 1960s with an Advisory Board, for the management of public records.

A State Museum Commission was created to develop the new Museum as a showcase for the Maine way of life in historical context with attendant programming. The State Arts and Humanities Commission was created to foster the visual and performing arts with emphasis on Maine's indigenous qualities, mainly through the grants system of the National Endowment for the Arts.

Later on, the State Historic Preservation Commission was established to further the preservation and adaptive use of Maine's historic architecture through the grants system of the National Historic Preservation Act. An Advisory Commission to the State Library, Maine's oldest public cultural institution, was established and a model regional system of services was created. Local libraries began expanding into cultural centers for their communities, often with programs supported by the other cultural agencies.

The mandated citizen Commissions, policy-making bodies for agency professional staff, have served without remuneration and have contributed valuable professional expertise as well as liaison with the public.

The advent of the new State cultural services brought new developments through interaction between the public and private sectors to give further momentum to cultural activity in Maine communities. Through the grants system many kinds of professional assistance became available to volunteer organizations seeking to establish or maintain high standards of excellence.

However, since the agencies were operating autonomously, there was no direction or coordination of programs and services. Serious problems soon arose.

By the 1970s, with the onset of State Government Reorganization, when the Parks and Recreation Commission was abolished and the agency became a Bureau in the Department of Conservation, state-owned historic sites under its jurisdiction fell to lowest priority.

The problems of the cultural agencies had become acute in the absence of overall policy and direction. Without goals, the undefined areas of responsibility, autonomous agency programming and lack of communication resulted in bureaucratic disarray and public confusion. In 1971, a proposal designed to resolve these problems by departmentalizing the cultural agencies foundered in a conflict of personalities and concepts. The agencies with their policy-making citizen Commissions were assigned Bureau status in the Education Department which became entitled the Department of Education and Cultural Services implying equal status.

It soon became apparent that this arrangement resolved no problems and created new ones. The differing mandates of the Department of Education and the Cultural Commissions, the differences in methods, goals and priorities of the

Department vis a vis the cultural agencies, led to administrative and operational dichotomy, to further distress the cultural agencies.

In 1977 a failed effort to resolve the structural anomaly by eliminating the policy-making powers of the Cultural Commissions served to illuminate the disparity between Departmental administrative requirements and cultural agency functional needs, and the impropriety of attaching the cultural agencies to an existing major Department of differing objectives. Defeat of the proposal was seen as a temporary reprieve for the Cultural Commissions pending the results of this Study by the Legislature's Joint Select Committee.

### III. RESEARCH - EVALUATION

Depositions and inventories document testimony before the Cultural Resources Policy Committee by State Cultural Agency Directors, Commission Chairmen, the Commissioner of the Department to which the Cultural Agencies are assigned, and Executive Finance and Planning Officers; by professionals and laymen involved in cultural affairs in the private sector; and by representatives of the general public.

Testimony reflected: a) the increasing public demand for cultural activities; b) the cultural policy vacuum and bureaucratic disarray at State level; c) the critical problem of funding in both the public and private sectors.

a) Marked increase in cultural activity was shown in comparative published listings of cultural events since 1966; in records of accelerating activities of organizations and individuals in the private sector; and in State cultural agency records of demands for services far beyond their present capacity to fulfill.

b) Testimony indicated that the cultural policy vacuum at State level has led to the pervasive general impression that State Government has underrated cultural values, has been remiss in providing cultural opportunities, and has not adequately responded to the cultural needs of the people; and that State cultural services have been deprived of a fair share of the taxpayer's dollar.

c) Leaders in the several cultural areas, concerned with the serious effects of an inflationary economy, government cutbacks and retrenchment in the private sector, urged a program to amalgamate the efforts of the public and private sectors in attacking the critical problem of funding.

Substantive testimony clearly shows the crucial need for overall cultural resources policy in State government. It makes evident that the existing policy

vacuum and the present administrative-operational dichotomy prevent effective, efficient and economical public service in these areas.

While the performance of the cultural agencies well substantiates the value of quality cultural activities, this performance continues to be eroded and progressively disabled, and programming fragmented, by these conditioning factors:

1. Absence of direction and goals; undefined areas of responsibility.
2. Mandates of the cultural agencies are broader than and different in approach from the Department under which they are placed, resulting in dual accountability and administrative-operational dichotomy.
3. Departmental structural concern overrides consideration of cultural agency functional requirements, underscoring absence of fundamental cultural evaluation criteria in structural planning. Detrimental to operations, this is counter-productive, costly and a serious drawback to development.
4. Uncoordinated and/or unwieldy bureaucratic procedures disaffect cultural programming and confuse the public.
5. The above causative factors in the policy vacuum have resulted in lack of appropriate identity and status for the cultural services which have lowest priority in State budget allocations.
6. Continuous cutbacks in already understaffed areas, necessitating curtailment of programs in the face of increasing demands.
7. Over-reliance on Federal funding.
8. A serious communications problem in the critical lack of centralized public information and accessibility.

Cited by professionals and laymen were these urgent needs for Maine's cultural welfare:

1. The State's positive participation imperative in the utilization of Maine's cultural resources by the people of the State and affirmative support for cultural opportunities.

2. Direction, goals and standards necessary to the healthy development of the economic and social potentials of these resources.

3. A State policy with integrated cultural services and a strong citizens commission operating in concert with the cultural community in the private sector, mandatory to Maine's cultural and economic well-being.

4. Restructuring of the State's cultural agencies to provide adequate levels of services and benefits to the people of Maine.

5. Expertise of experienced citizen participants vital to cultural agency services.

6. Coalition of leadership in the public and private sectors in support of cultural activities, and measures to assure against undesirable exploitation and spoliation of Maine's cultural resources.



#### IV. RECOMMENDATIONS

On evaluation of the research information in the context of economic, political and social considerations, the Committee makes the following recommendations:

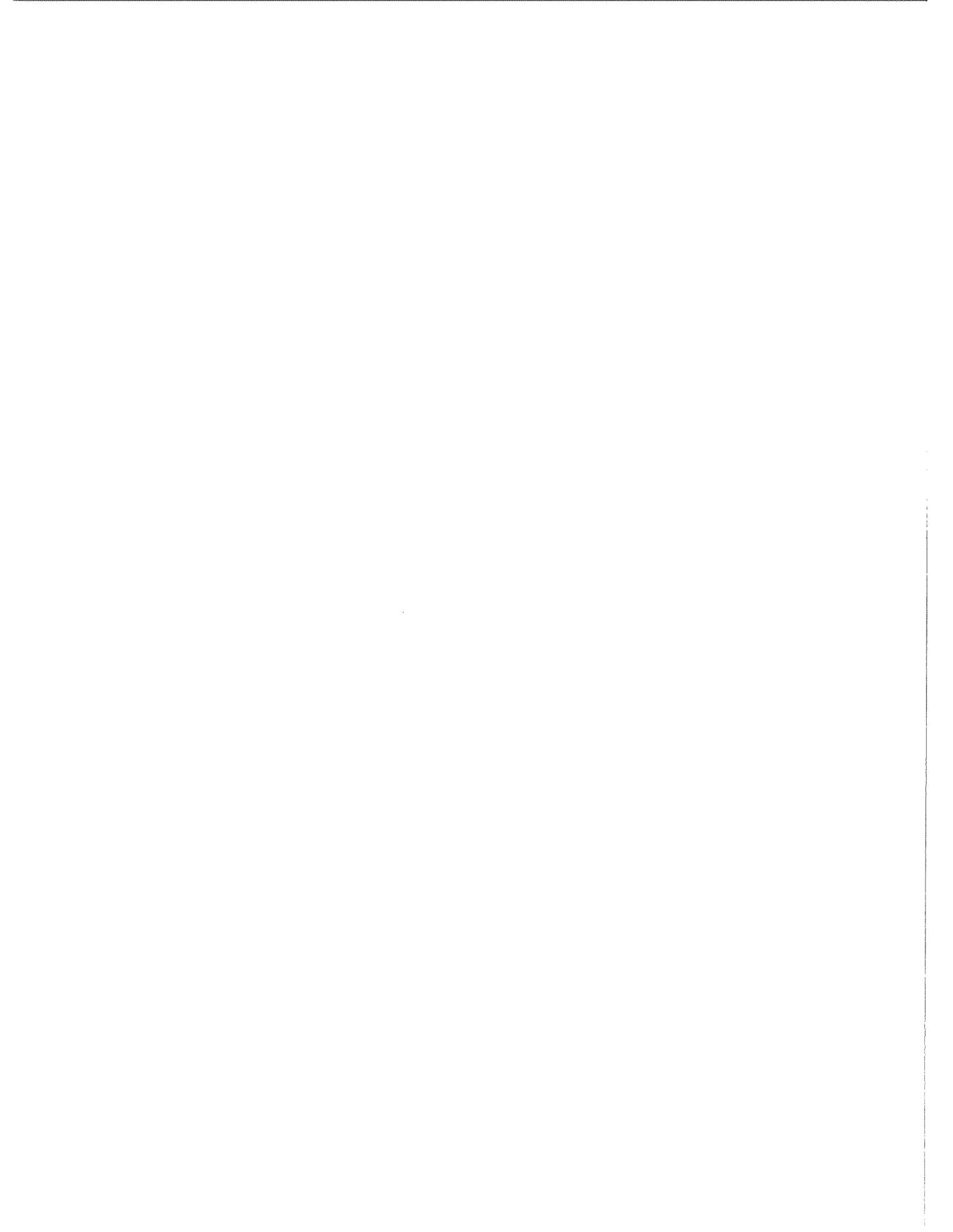
1. That the State of Maine declare and activate the affirmative policy of positive support for cultural activities and for the appropriate preservation, development and utilization of the State's abundant historic and cultural resources in the public interest.

2. That this policy and its areas of responsibility be clearly defined; that it encompass alignment of the internal operational policies of the several agencies; and that it be in compliance with Federal and State laws.

3. That the State's present cultural services be consolidated in a Department of Cultural Resources as the appropriate vehicle for implementing this policy.

4. That in organizing the Department for maximum economy, efficiency and effectiveness, the State's cultural services be centralized to facilitate the confluence of operational policies, the shared use of the facilities and resources of the several agencies, and accessibility to the public.

5. That legislation be enacted as proposed in this report to create the Department of Cultural Resources as structured herewith.



## V. STRUCTURE

### Background

Historically, the creation of the various cultural agencies and their placement within the structure of State Government has been a piecemeal process, the agencies operating independently until 1971. Maine's oldest public cultural institution is the State Library, established in 1839. Well over a century had passed before the other cultural agencies came into being. Each agency has been created and funded by the Legislature in response to the pressures of various public interest groups who perceived a need for the services that only State agencies could provide. As new Federal programs in the 1960s made monies available to the states on a matching basis, Federal funding incentives spurred this public interest and were a determinant in establishing the Arts and Humanities and Historic Preservation Agencies.

In Maine, a traditional approach was taken in creating unremunerated citizen policy-making Commissions to manage these new agencies, each with a professional director and staff. Cultural agencies were state-funded on the basis of monies available at the time their enabling legislation was passed, the allocations having little or no relationship between funding levels and long-range planning as to the desired size and mission of the agencies.

When the need for coordination among the several agencies and their Commissions was addressed during Government Reorganization in 1971, and a proposal to departmentalize the agencies was turned down, the 1971 Reorganization Act placed the State Library, the State Museum, and the Arts and Humanities agency within the Department of Education at Bureau level, and renamed the Department the Department of Education and Cultural Services. The Historic Preservation agency was attached to the same Department for administrative purposes, retaining its citizen policy-making Commission, as did the Arts and Humanities and State Museum Bureaus. In 1973, a citizen advisory Commission without

policy-making powers was created for the State Library, the Commission participating in policy-making by dispensation of the present Department Commissioner and the State Librarian.

This solution to the problem of fitting the cultural agencies into the framework of State Government has proved unsatisfactory to both the Commissioner of the Department of Education and Cultural Services and to the Cultural Bureaus and their citizen Commissions for the following reasons:

1. The clearly mandated Cultural agencies and their Commissions have been sub-merged in a large bureaucratic regulatory structure whose methods, goals and priorities differ significantly from the broader mandates of the Cultural agencies. This association denies them the public recognition and legislative attention that their programs warrant. Their programs suffer from the negative connotations associated with the current school funding crisis and other education issues without benefit from the sizeable proportion of the State's General Fund monies that are appropriated each year for education.
2. The Department Commissioner is charged with fiscal responsibility for the Cultural agencies, while administrative authority is vested by statute in three of the Cultural Agencies' Commissions. This structural anomaly has led to a condition of benign neglect for the Cultural Agencies in the Department, and to overlapping of programs and purposes in the absence of unipersonal authority responsible for coordination and cooperation of the agencies.
3. The agency Directors are in the constant dilemma of being accountable to both the Commissioner of the Department of Education and Cultural Services and to their own citizen policy-making Commissions. Hardly conducive to efficient government operation, this situation seriously handicaps their capacity to deal decisively and effectively with the mounting requests and demands from the public they are mandated to serve.

4. In addition to the operation of programs that are highly complex mixtures of State and Federal regulations and financing, this dual accountability places an inordinate burden upon the agencies and their limited resources in the sheer logistics of organizing, informing, communicating with and responding to their Commissions' decisions which must be accommodated in turn to alien Department policy. It also imposes excessively upon the citizen Commissions by unduly complicating the decision-making process.

It should be noted that, as with the newer cultural agencies, the mandate of the State Library, which developed its strength over the years as an independent agency to become a major factor in the cultural life of the State, is broader than that of the Department to which it is assigned. While it includes schools and colleges, the State Library program is basically a public library program by 90 percent. Its statutory advisory Commission has no policy-making authority.

It should also be noted that the present structural status of the Cultural agencies permitted the development of the cumulative problems that have beset the State Museum whose Commission is presently endeavoring to realign its policies. All Cultural agencies appear thus vulnerable unless and until there is a cultural entity with clear accountability.

In sum, the problems that thus have stemmed from the placement of the Cultural agencies in an existing major Department of basically differing objectives raises the fundamental question of the appropriate placement and status of these agencies in State Government. It seems clear that if they are to perform adequate services for the public as charged, they must be coordinated and made accountable to unipersonal authority of their own mandate.

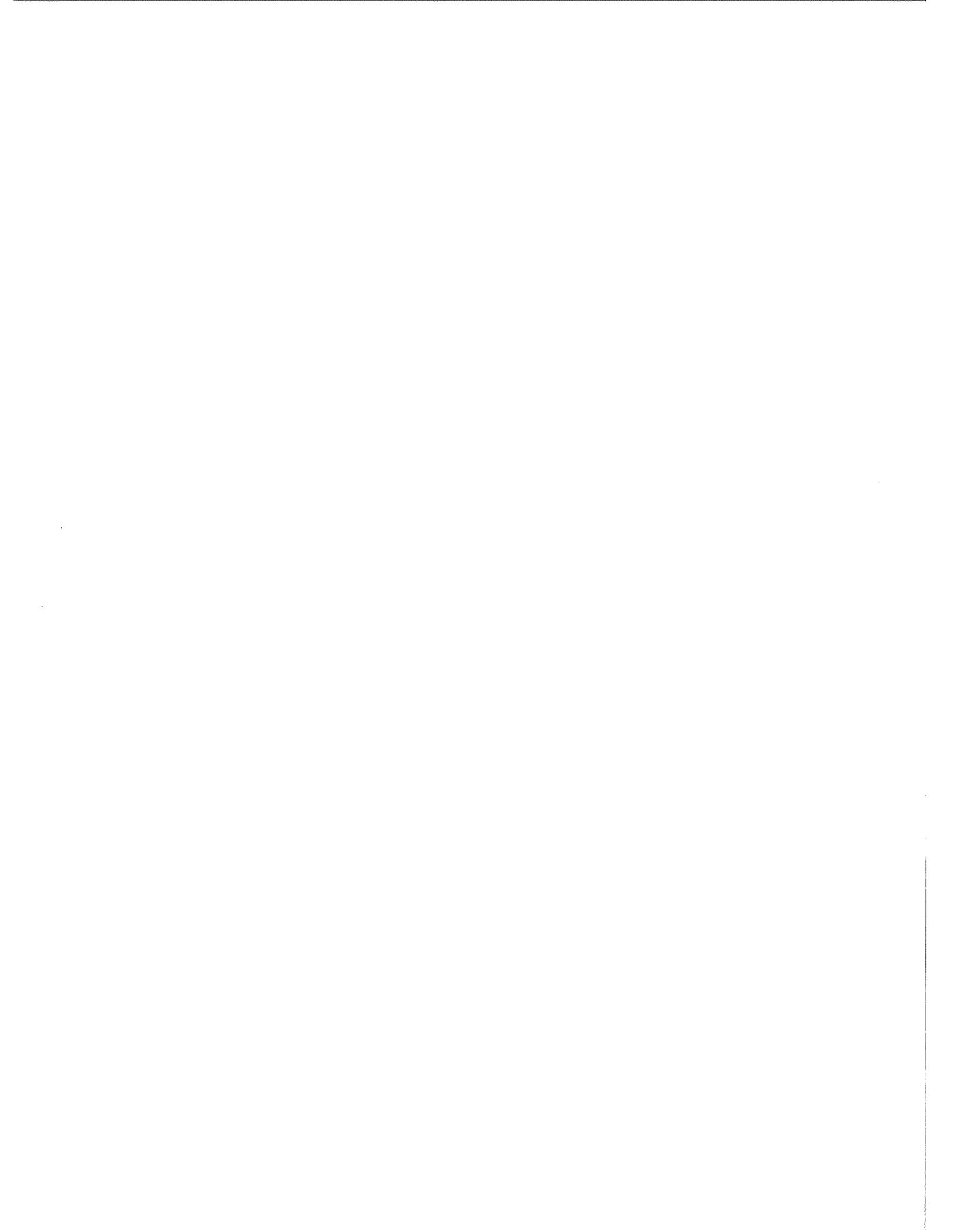
## Recommendations

### A. Create the Department of Cultural Resources.

1. That a Department of Cultural Resources be created to be comprised of a State Cultural Resources Commission, Commissioner, and the following Bureaus: Arts and Humanities, Historic and Archaeological Sites (now Preservation), the State Museum and the State Library.
2. That the State Cultural Resources Commission shall consist of 15 members appointed by the Governor for their demonstrated experience in the areas of the arts, historic preservation, the museum field, and library services. That the first Commission shall include two members from each of the present four above named agency Commissions and that these agency Commissions shall be eliminated.
3. That members of the State Cultural Resources Commission shall be appointed to serve for five years except that the first commission shall be appointed as follows: two members to serve for one year, three members for two years, three members for three years, three members for four years, and three members for five years. Members having served two consecutive five-year terms shall not be eligible for reappointment for a third consecutive term. Members shall be reimbursed for expenses.
4. That the Department Commissioner shall be the 15th member and Chairman of the Commission.
5. That the Department shall be administered by the Commissioner who shall be responsible to the State Cultural Resources Commission.
6. That the Department of Cultural Resources including its four Bureaus shall be located in the Cultural Building.
7. That the cost of the Commissioner's Office and centralized services be offset by a reduction in the number of employees and a re-allocation and consolidation of resources within the existing agencies; and that such re-allocation of resources establish salary levels of the four Bureau Directors at the same level.

B. Re-allocation of Functions.

1. That the Bureau of Historic Preservation become the Bureau of Historic and Archaeological Sites in the Department of Cultural Resources, retaining its present staff and appropriation.
2. That the archaeologist and his accompanying appropriation be removed from the State Museum and placed within the Bureau of Historic and Archaeological Sites, the State Museum retaining custody of all archaeological findings and artifacts.
3. That the jurisdiction of State-owned Historic Sites with accompanying staff and appropriation be removed from the Bureau of Parks and Recreation within the Department of Conservation and placed within the Bureau of Historic and Archaeological Sites, the Parks and Recreation Bureau continuing the physical maintenance of and public access to these sites.
4. That the Office of State Historian be abolished.



## VI. ORGANIZATION

The Department of Cultural Resources shall be organized as follows:

### STATE CULTURAL RESOURCES COMMISSION

The Cultural Resources Commission shall be constituted and appointed as stated above and shall share with the Commissioner the policy-making function of the Department insofar as that policy relates to financial and program priorities, standards, and long-range planning.

The Commission shall not be involved in the day-to-day administration of programs or personnel matters with the exception of its role in the selection of Bureau Directors.

### The Commissioner

1. The Department shall be under the direction and supervision of a Commissioner who shall be appointed by the Governor with the advice and consent of the Senate. The Commissioner shall serve at the pleasure of the Governor and shall be a member of the Governor's Cabinet. Initially, the Commissioner shall be selected from among candidates nominated by the existing Bureau Commissions in agreement; thereafter, the selection shall be made from nominations by the Cultural Resources Commission.

2. The Commissioner will be the 15th member and Chairman of the State Cultural Resources Commission. The Commissioner will, in conjunction with the Cultural Resources Commission:

- a. Define goals and objectives and evaluate the extent to which these have been achieved.
- b. Establish fiscal and program priorities.

- c. Be responsible for long range planning and the search for funding sources outside State Government.
3. The Commissioner shall:
  - a. Review all Department programs and plans to guard against program, equipment, personnel and other resource duplication or overlap.
  - b. Maintain coordinated policies throughout the Department.
  - c. Maintain active and open channels of communication among the Department Bureaus.
4. The Commissioner will be the primary contact with the Legislative Branch and shall be the channel of communication with other State Departments.

#### Central Administrative Services

The Department shall have Secretarial, Financial Management and Public Information Services funded from existing resources within the Cultural Agencies.

#### The Bureaus

1. Each Bureau shall be directed by a Bureau Director appointed by the Commissioner on approval of the State Cultural Resources Commission. The Bureau Directors shall be unclassified State employees, responsible to the Commissioner and subject to removal by him for cause. The present Directors who hold these positions when this law takes effect shall be subject to the State Personnel Law.

2. The Bureau Directors shall, subject to the approval of the Commissioner:

- a. Establish organizational and operational procedures.
- b. Administer the laws assigned to the Bureau.
- c. Appoint, subject to the Personnel Law, all Bureau staff.
- d. Supervise and control all staff functions.
- e. Cooperate with appropriate Federal agencies and administer Federal funds in support of programs within the Bureau.

3. Each Bureau shall have an Advisory Board selected by the Bureau Director subject to the approval of the Cultural Resources Commission. Each Advisory Board shall be composed of not more than fifteen (15) persons of known experience and competence in the cultural fields served by the Bureau.

Each Advisory Board shall guide and assist the Bureau Director in programming, grantsmanship and such other activities as call for their expertise. They shall be reimbursed for expenses.

DEPARTMENT OF CULTURAL RESOURCES

COMMISSIONER

CENTRAL ADMINISTRATIVE SERVICES

CULTURAL RESOURCES COMMISSION

ARTS & HUMANITIES  
BUREAU

MUSEUM  
BUREAU

HISTORIC & ARCH.  
SITES BUREAU

STATE  
LIBRARY

VII. BUDGET

SUMMARY BUDGET FOR A DEPARTMENT

OF HISTORIC AND CULTURAL

RESOURCES

	<u>Position</u>	<u>General Fund</u>	<u>Spec. Rev.</u>	<u>Total</u>
Commissioner's Office	2	\$ 37,500	\$	\$ 37,500
Historic Preservation	4	28,100	230,280	258,380
Arts and Humanities	5	162,000	336,147	498,247
Library	71½	1,318,505	493,010	1,811,515
Museum	27	511,765	67,900	579,665
	109½	2,057,970	1,127,337	3,185,307

It is estimated that through cooperation and consolidation of functions among the various bureaus that the cost of a Commissioner's Office could be absorbed from the existing budget. Such reductions and additional economies could only be determined by the Commissioner once he is in place.



VIII. LEGISLATION

(DRAFT PROPOSAL - TENTATIVE)



State of Maine

In the Year of our Lord, Nineteen Hundred seventy-eight.

**An Act** to Create a Department of Cultural Resources.

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

Sec. 1. 27 MRSA, as amended, is repealed.

Sec. 2. 27-A MRSA is enacted to read:

TITLE 27-A

CULTURAL RESOURCES

CHAPTER 1

GENERAL PROVISIONS

§1. Definitions

As used in this title, unless the context clearly indicates otherwise, the following terms shall have the following meanings.

1. Commission. "Commission" means the Maine State Cultural Resources Commission.
2. Commissioner. "Commissioner" means the Commissioner of Cultural Resources.
3. Department. "Department" means the Department of Cultural Resources.

CHAPTER 3

ESTABLISHMENT OF DEPARTMENT OF CULTURAL RESOURCES

§101. Department; commissioner

1. Establishment. There is established the Department of Cultural Resources to coordinate, encourage and provide guidance and efficient management to the arts, historic and archaeological programs, museum and library services and other cultural resources within the State.

2. Commissioner. The administrative head of the department shall be the Commissioner of Cultural Resources, who shall be appointed by the Governor subject to review by the Joint Standing Committee on State Government and to confirmation by the Senate. The commissioner shall serve at the pleasure of the Governor. The first commissioner appointed pursuant to this section shall be selected from among candidates nominated, jointly and in agreement, by the Maine State Commission on the Arts and Humanities, the Maine Historic Preservation Commission, the the Maine State Museum Commission and the Maine Library Commission prior to the abolition of these commissions. Thereafter, the commissioner shall be selected from among candidates nominated by the Maine State Cultural Resources Commission, as established in this Title.

3. Make up of department. The department shall consist of the commissioner, the Maine State Cultural Resources Commission and the following bureaus: The Bureau of Arts and Humanities, the Bureau of Historic and Archaeological Sites, the Maine State Library Bureau and the Maine State Museum Bureau.

§102. Duties and authority of commissioner

The commissioner shall be the chief administrative officer of the department and shall be responsible to the commission. He shall have the following duties and authority:

1. Appointment of bureau directors. Appoint, subject to the approval of the commission, the directors of the bureaus within the department.

2. Budget. Prepare the budget for the department.

3. Communication. Maintain active and open channels of communication among the bureaus, divisions and agencies of the

*— Old History Dept*

*All Henry Zipp*

department.

4. Personnel. Transfer personnel within the department to insure the efficient utilization of department personnel.

5. Purchases. Coordinate the purchase and use of all department equipment.

6. Policy coordination. Maintain coordinated policies throughout the department.

7. Recommendations of change. Act as the primary contact between the department and the Governor and <sup>the</sup> Legislative branch and recommend to the Governor and Legislature any changes he shall deem desirable in the laws relating to the organization, structure, efficiency or administrative functions, services, procedures and practices of any bureaus included within the department.

§103. Bureau directors

1. Directors; appointment. The head of each bureau within the department shall be a bureau director appointed by the commissioner subject to the approval of the commission. The bureau directors shall be unclassified State employees, under the immediate supervision, direction and control of the commissioner.

2. Term. Each bureau director shall serve a term conterminous with that of the commissioner, subject to removal by him for cause.

3. Salaries. The salaries of the bureau directors shall be fixed by the commissioner, subject to approval by the Governor.

§104. Duties of bureau directors

In addition to those duties set out in this Title, each

bureau director shall have the following authority and duties:

1. Procedure. To establish organizational and operational procedures within the bureau.

2. Administration of laws. To administer the laws and regulations assigned to that bureau.

3. Staff. To appoint, subject to the Personnel Law, all staff of that bureau.

4. Staff functions. To supervise and control all staff functions within the bureau.

5. Federal agencies and funds. To cooperate with appropriate federal agencies and, subject to the provisions of state law, to administer federal funds in support of programs within the bureau.

§105. Advisory boards

1. Appointment; composition. Each bureau shall have an advisory board appointed by the bureau director subject to approval by the commission. Each board shall be composed of not more than <sup>5</sup>~~12~~ members of known experience and competence in the area of cultural resources served by the bureau to which the board is attached.

2. Term. Members of an advisory board shall serve at the pleasure of the director of the bureau to which the board is attached.

3. Duties of board. Each advisory board shall advise and assist the bureau director in programming, planning and any other activity on which the director may wish to consult it.

4. Compensation. The members of advisory boards shall serve without compensation but shall be reimbursed for any

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expenses incurred in the performance of their duties as department regulations shall provide.

## CHAPTER 5

### MAINE STATE CULTURAL RESOURCES COMMISSION

#### §§201. Cultural Resources Commission

1. Establishment. There is established a Maine State Cultural Resources Commission consisting of the Commissioner of Cultural Resources who shall serve during his tenure as commissioner and 14 members appointed by the Governor.

2. Membership qualifications. Appointed members shall be persons who have demonstrated their experience in the areas of the arts, historic preservation, museum services or library services. The first commission appointed pursuant to this section shall include at least the following:

- A. Two persons who were members of the Maine State Commission on the Arts and Humanities immediately prior to its abolition.
- B. Two persons who were members of the Maine Historic Preservation Commission immediately prior to its abolition.
- C. Two persons who were members of the Maine State Museum Commission immediately prior to its abolition.
- D. Two persons who were members of the Maine Library Commission immediately prior to its abolition.

2. Term of membership. Of those members first appointed, 2 shall be appointed for terms of ① year, 3 for terms of 2 years, 3 for terms of 3 years, 3 for terms of 4 years and

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3 for terms of 5 years. Thereafter members shall be appointed for terms of 5 years in a manner so that the commission shall at all times consist of 14 appointed members. Each appointed member shall serve for the term of his appointment and until his successor is appointed and qualified. In case of the termination of an appointed member's service during his term, the Governor shall appoint a successor for the unexpired term.

3. Limitation on terms. Appointed members who have served two consecutive five-year terms shall not be eligible for reappointment to a third consecutive term.

4. Compensation. Appointed members shall serve without compensation but shall receive their necessary expenses.

5. Meetings. The commission shall meet at least 3 times during each calendar year.

6. Chairman. The commissioner shall serve as chairman of the commission.

§202. Duties of the commission

The commission shall have the following duties and authority.

1. Appointment of directors. Approve, by majority vote, the appointments of directors of bureaus and other department units, as provided in this Title.

2. Advisory boards. Approve, by majority vote, the selection of advisory boards by bureau directors within the department.

3. Goals and objectives. Define goals and objectives of the department and evaluate the extent to which these have been achieved.

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4. Priorities. Establish fiscal and program priorities for the department.

5. Long-range planning. Be responsible for long-range planning for the department and, to the extent permitted by State law, search for funding sources outside of State government.

#### CHAPTER 7

#### MAINE STATE LIBRARY BUREAU

##### §301. Bureau director

The head of the Maine State Library Bureau, hereinafter in this chapter called the "bureau", shall be the Director of the Maine State Library, hereinafter in this chapter called the "director."

##### §302. Duties of the director.

1. General duties. In addition to those duties set out in section 104, the director shall have those duties and powers prescribed by the commissioner.

2. Maine State Library. The Maine State Library shall be under the management and supervision of the director who shall, subject to the approval of the commissioner, make any rules and regulations which are necessary for the proper management of the library and the safety of its contents.

3. Personnel. The director may employ, subject to the Personnel Law and the approval of the commissioner, a deputy director, and those assistants which the business of the bureau may require.

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§303. Contents of library; exchange

1. Contents. The following shall be procured and kept in the <sup>Maine</sup> State Library as quickly as is practicable.

A. Histories. Histories of all countries, including those of this State, its counties and towns and family histories.

B. Arts and sciences. Works on the arts and sciences with special reference to agriculture, forestry, fishing, manufacturing, shipbuilding and road making.

C. Publications on world conditions. Maps, charts, plans and manuscripts, statistical and other publications relating to the financial, social religious and educational condition of the world and more especially of this State.

D. State documents. Full and complete sets of all the documents printed by the State

E. Municipal and county reports. Full and complete sets of the reports of the towns, cities and counties of this State.

2. Exchange. For the purpose of carrying out this section the bureau may conduct a system of exchanges with other libraries and institutions of learning.

§304. Books lent

Under rules and regulations which the director may prescribe, books and documents may be net to any responsible resident of the State. These rules and regulations may include the charge for overdue books and documents.

§305. Responsibility for books borrowed

1. Loss or damage. 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 of those materials to the director, 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.

2. Civil action for value of material. If any person or organization shall neglect or fail to return any books, documents or other material lent to them, or shall return the material in an injured or mutilated condition, after due demand and notice, the director may maintain a civil action against that person or organization for the full value of the material. Actions to enforce the liability mentioned in this section may be brought by the director 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.

§306. Annual report

The director shall report to the commissioner 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 that report suggestions in relation to the improvement of the library.

§307. 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 bureau copies of all printed reports of those towns, cities and counties, including all printed exhibits of town, city and county expenditures.

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§308. Library hours

The bureau 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 from the library without the consent of the director or of the commissioner.

§309. Historical research

Within the bureau there shall be 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.

§310. Library development

Within the bureau there shall be a library development section which shall carry on those activities enumerated in sections 311 and 312.

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

1. Advice. The bureau shall:
  - A. 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 those libraries or assist in the improvement of those already established; and

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B. Present to the Legislature, through the commissioner, a plan for state-wide library development and be designated as the agency for the administration of this plan and be given the authority to administer this plan on behalf of the State.

2. Gifts. The bureau may, consistent with the provisions of State law, receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given.

3. Information. The bureau 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.

4. Library instruction. The bureau may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the State, and cooperate with others in these schools or institutes.

5. Other services. The bureau shall perform, with the approval of the commissioner, any other library service which it may consider for the best interests of the citizens of the State.

§312. Bookmobile service

In addition to and in furtherance of the powers given in this chapter, the bureau is authorized and empowered to provide bookmobile service for residents of the State.

§313. Compliance with federal law

The bureau, with the approval of the commissioner and the Governor, may make any regulations necessary to enable the

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State to comply with any law of the United States, heretofore or hereinafter enacted, intended to promote public library services. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for general public library services.

§314. Reports of departments and institutions

The bureau shall distribute reports of the departments and institutions of the State and other books and documents published or purchased by the State in that manner which the law may direct. It may transmit one copy of each published report of each department of State Government to each library in the State and to the libraries of other states and territories, and make any other and further distribution which in its judgment seems proper. It 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.

CHAPTER 9

PUBLIC LIBRARIES

§401. Free public libraries established in municipalities

Any municipality may:

1. Establish public library. Establish a free public library in that municipality for the use of its inhabitants and provide suitable rooms for the library under regulations for its government which the inhabitants may from time to time prescribe;

2. Tax. Levy and assess a tax and make appropriation therefrom for the foundation and commencement of that library and for its maintenance and increase annually; and

3. Branch libraries. In municipalities where there is a public library, establish and maintain under the same general management and control branches of that library as the convenience and wants of its citizens seem to demand.

§402. Free public library established in village corporations

Any village corporation located in a municipality where no free library exists may establish a library within its limits for the free use of all its inhabitants and may <sup>annually</sup> levy and assess a corporate tax and make appropriation therefrom for its maintenance and increase. ~~< 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 municipalities.

§403. Free use of library in adjoining municipality 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.

§404. Municipalities uniting for libraries

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

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§405. State aid for municipalities maintaining free public  
libraries

1. Certification by municipality. The officers of any municipality may certify to the director of the Maine State Library annually, before the first day of May, the amount of money appropriated and expended by that municipality during the preceding year for the benefit of a free public library established in that municipality, or for the free use of a library in an adjoining municipality.

2. Payment to municipality. Upon receipt of this certification, the director, if satisfied with the quality of service performed by that library, shall approve for payment to that 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%.

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

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

§406. Libraries controlled by associations assisted by  
municipalities

Any municipality in which there is located a library

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owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from that library the free use of its books for all the inhabitants of that municipality, under those restrictions and regulations which shall insure the safety and good usage of the books. This library shall then be considered a free public library within the meaning of this chapter and that municipality shall be entitled to the benefits of section 405.

§407. 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 of the Maine State Library send to the director 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 405, shall be withheld from any municipality or village corporation until the report required to be made shall have been received by the director. The State aid shall also be withheld unless the report shall show that the laws and Maine Reports furnished by the State are kept constantly in that library for the free use and benefit of all the citizens.

§408. 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 director of the Maine State Library shall make a gift of money or new books to that library, the gift to equal 50% of the value of the books purchased by that municipality for the library, and in no instance to exceed \$100.

§409. Gifts and devises to municipalities

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

CHAPTER 11

REGIONAL LIBRARY SYSTEMS

§501. Definitions

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

1. Area reference and resource center. "Area reference and resource center" means a large public, school or academic library designated by the commissioner and the Director of the Maine State Library 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.

2. Common borrower's card. "Common borrower's card" means a system of personal identification for the purpose of

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borrowing and returning books and other materials from any library that participates in the regional system.

3. Director. "Director" means the Director of the Maine State Library.

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 serving as a policy-making authority for 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 these 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 resource 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 receiving its financial support from a municipality, private association, corporation or group. The above

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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 and the director and receiving state aid for the purposes of making its major research collections, under rules and regulations defined by its governing board and head librarian, available to the residents of the State.

§502. Library districts

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

§503. 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 members the appropriate officers as needed. The district council shall meet at least twice a year.

2. Duties. The district council shall:

- A. 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;
- 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 bureau 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 based upon community plans of service;
- F. Advise on the selection of an area reference and resource center and a research center for the district.

§504. 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 director.

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

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- 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. <sup>Perform</sup> Any other cooperative activities which member libraries may need or require.

§505. Research centers

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

- 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 any other cooperative activities and services which member libraries may need or require.

§506. District consultants

The director, 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 department.

- 1. Duties. The district consultant shall be an ex officio, nonvoting member of the district council and shall serve as secretary and further shall:
  - A. Serve as a professional consultant to libraries within the district or districts;

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- 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 state agencies;
  - E. Encourage local initiative and commitment to regional cooperative library service;
  - F. Assist in planning for area reference and inter-library loan service;
  - G. Help evolve a district plan of service.

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§507. School libraries and media center

Any school library or media center in a municipality with no public library service, or serving municipalities 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.

§508. Distribution of appropriations

The commissioner, with the advice of the director, is authorized to distribute on a per capita basis, in support of local library services, moneys appropriated by the Legislature for that purpose.

CHAPTER 13  
INTERSTATE LIBRARY COMPACT

SUBCHAPTER 1

COMPACT

§601. 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.

§602. 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

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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.

§603. Interstate library districts -- Article III

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

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

3. Powers. If a library agreement provides for joint

establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

- A. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof;
- B. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same;
- C. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district;
- D. Employ professional, technical, clerical and other personnel and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel;
- E. Sue and be sued in any court of competent jurisdiction;
- F. Acquire, hold and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service;

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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.

§604. 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. < ~~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.

§605. 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,

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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.

§606. 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 li-

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brary agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

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

§607. 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 attorney 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

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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.

§608. 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.

§609. 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 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.

§610. Compact administrator -- Article X

Each state shall designate a compact administrator with whom copies

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

§611. 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.

§612. Construction and severability -- Article XII

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the

constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

#### SUBCHAPTER II

#### PROVISIONS RELATING TO COMPACT

##### §701. 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.

##### §702. Library agreements by municipalities

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

##### §703. State library agency

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

##### §704. 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

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library district, this State will consider that 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.

§705. Compact administrator

The Director of the Maine State Library shall be the compact administrator pursuant to Article X of the compact. The Deputy Director of the Maine State Library shall be deputy compact administrator pursuant to said article.

§706. Renunciation

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

CHAPTER 15

COUNTY LAW LIBRARIES

§801. Formation; officers; regulations

In every county where 5 or more attorneys reside, any 5 of them may procure themselves and the other attorneys resident in the county to be incorporated as provided for the purpose of establishing a law library.

1. Notification. The notification required, if posted in some conspicuous part of the courthouse 7 days previous to their meeting, is sufficient.

2. Name and officers. They may take the name of "The trustees of the law library in the County of .....", and at that meeting, which shall be held at a term of the court therein, they may choose a clerk, librarian

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and treasurer, to be sworn and hold their offices during the pleasure of the corporation.

3. Regulations. They may make all necessary and lawful regulations.

4. Presiding member. At their meetings, the oldest member present shall preside.

§802. Duties of treasurer and clerk

The treasurer of each library association, under the direction of the trustees, shall apply all moneys received of the Treasurer of State, and all bequests and gifts, to form a law library under the appointed regulations. The clerk shall keep an exact record of all their proceedings.

§803. Accounts of treasurer

1. Account; oath. The treasurer shall keep an exact account of all moneys, gifts and bequests belonging to the corporation, and annually settle the same on oath, in the manner prescribed.

2. Misfeasance. The treasurer, librarian and clerk shall be answerable for all misfeasance in an action by the corporation.

3. Statement of funds. The treasurer shall, annually, before the 2nd Wednesday in January deposit in the office of the Treasurer of State a statement of the funds received by the corporation during the year preceding.

§804. Payments for use and benefit

1. Payments by Treasurer of State. The Treasurer of State shall pay annually to the treasurer of the Law Library Associations of the several counties for the uses and benefits of the county law libraries as follows:

A. Androscoggin, \$9, 500;

B. Aroostook, \$5,600 which shall be for the <sup>use</sup> and benefit of the county law library in the court house at Houlton and \$3,000 which shall be for the use and benefit of the county law library in the court house

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at Caribou in that county;

C. Cumberland, \$10,000 which shall be paid to the treasurer of the Cumberland Bar Association for the Nathan and Henry

B. Cleaves Law Library;

D. Franklin, \$5,000;

E. Hancock, \$7,000;

F. Kennebec, \$6,000;

G. Knox, \$3,500;

H. Lincoln, \$4,500;

I. Oxford, \$3,000 which shall be for the use and benefit of the county law library at South Paris and \$3,500 which shall be for the use and benefit of the county law library at Rumford;

J. Penobscot, \$10,000;

K. Piscataquis, \$3,500;

L. Sagadahoc, \$4,250;

M. Somerset, \$6,500;

N. Waldo, \$3,500;

O. Washington, \$3,800;

P. York, \$5,000.

2. Payments by county treasurer. The treasurer of each county shall pay to the treasurer of the Law Library Association of his county all money received from persons admitted upon motion to practice in courts of record as attorneys without a certificate from the Board of Examiners of Applicants for Admission to the Bar.

3. Accounting. The treasurer of each Law Library Association shall account to the Treasurer of State for all receipts and

disbursements made under this section. All these receipts and disbursements shall be subject to audit.

#### CHAPTER 17

#### MAINE STATE MUSEUM BUREAU

##### §901. Declaration of policy

The Legislature declares it is the policy of the State that in order to further the cultural and educational interests of the people of the State, to present through the use of its collections and activities the proud heritage and unique historical background, and to preserve and exhibit the environmental and cultural richness of the State, there is established the Maine State Museum which shall be under the control of the Maine State Museum Bureau, hereinafter in this chapter called the "bureau."

##### §902. Director.

The head of the bureau shall be the Director of the Maine State Museum, hereinafter in this chapter called the "director."

##### §903. Duties of the director

1. General duties. In addition to those duties set out in section 104, the director shall have those duties and powers prescribed by the commissioner.

2. Maine State Museum. The Maine State <sup>Museum</sup> shall be under the management and supervision of the director who shall, subject to the approval of the commissioner, make any rules and regulations which may be necessary for the proper management of the museum and the safety of its contents.

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3. Administration. In exercising his administration, the director shall promulgate operating policies, establish organizational and operational procedures, and exercise supervision of museum activities.

4. Personnel. The director shall employ, subject to the Personnel Law and the approval of the commissioner, those assistants which the business of the bureau may require.

5. Seal. The director shall adopt a seal for use in the official business of the bureau.

5. Other duties. The director shall also have the following duties and powers:

A. To accept gifts, bequests and endowments, subject to the provisions of State law, for purposes consistent with the purposes of this chapter. Any funds, if given as an endowment, shall 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 shall be used solely to carry out the purposes for which they were made.

B. To publish museum materials, reports, bulletins and other publications which will promote the purposes of this chapter.

C. To institute and maintain a program of systematic collection in the several fields of museum activity with particular emphasis on those fields relating to the State of Maine.

D. To preserve, identify, catalogue, document and safeguard the collections of the museum.

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E. To carry on research to increase knowledge in the several fields of museum activity and to provide interpretive and informational services, including the dissemination and recording of information gathered through research.

F. To provide reference services to individuals and to local historical, natural history, scientific and other groups and societies interested in museum activities.

G. To exhibit the collections of the museum including permanent and temporary exhibits and to provide a loan service for films, artifacts, specimens and other exhibits of the museum to persons, groups and schools and under those terms and conditions which he may deem necessary.

H. To provide ancillary museum services such as operation of a museum library, consultation concerning museum activities, sale of publications, provision of speakers, participation in special events, and any other activities which will promote the effectiveness of the museum.

§904. Acquisition, ownership and disposition of property

1. Acquisition. The bureau is authorized to accept donations of property for the sole use of the museum provided the donations are of a nature to carry out and promote the purposes of this chapter.

2. Ownership. The bureau shall hold its collections and property for the State of Maine and shall not sell, mortgage, transfer or dispose of in any manner or remove from the museum any article thereof, or part of an article, without authority of law.

3. Disposition. Notwithstanding any contrary provisions of

law, the bureau may sell or exchange any duplicates or other property determined to be useless which the bureau may have or obtain, and may transfer to other institutions of the State property not deemed applicable or necessary for the purposes of the museum.

§905. Historical materials

The bureau shall hold 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 Bureau or State Archives, which 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 shall include the banners and flags presently housed in the State House Hall of Flags and may include, but shall not be 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.

Historical materials as described in this section which are directly connected with areas under the jurisdiction of the Bureau of Historic and Archaeological Sites shall be exempt from this section.

The bureau shall protect, preserve and interpret these materials which may be placed under its trusteeship in accordance with this chapter.

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§906. Assistance from other state agencies

The heads of the various state departments, agencies and institutions are authorized to consult with the bureau upon request concerning any aspect of museum operations.

§907. Federal funds

The bureau may be an official agency of the State to receive and disburse any funds made available by the Federal Government for programs related to the purposes of the museum.

§908. Publication fund

1. Revolving fund. There is established within the bureau a revolving fund for the use of the bureau to cover printing and distribution costs for scientific, historical and educational literature and services offered by the bureau for which a charge is made.

2. Prices and rates. The director is authorized to fix the price and rates at which publications, services or related items may be sold and delivered. The bureau shall receive without charge 15% of all these publications for complimentary distribution.

3. Certain materials. The director is authorized to purchase, establish the price for and sell through the bureau sales program, pertinent handcraft, educational or publication materials procured from outside sources. Proceeds from these sales shall be utilized to restock materials for resale and support the publications program as defined in subsection 1.

4. Income. Income from sale of publications shall be

credited to the revolving fund, to be used as a continuing carrying account to carry out the purposes of subsection 1 or as excepted by the conditions of subsection 3.

§909. Conservation fund

1. Revolving fund. There is established within the bureau a revolving fund for conservation, within the Maine State Museum Conservation Center, of objects which are of significance to the cultural and environmental heritage of the State for which a charge is made.

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

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

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CHAPTER 19

BUREAU OF ARTS AND HUMANITIES

§1001. Bureau director

The head of the Bureau of Arts and Humanities, hereinafter in this chapter called the "bureau" shall be the Director of Arts and Humanities, hereinafter in this chapter called the "director."

§1002. Duties of director.

In addition to those duties set out in section 104, the director shall have those duties and powers prescribed by the commissioner.

§1003. Duties of bureau

The bureau shall perform all duties which the commissioner shall prescribe, including the following.

1. Encouragement. To take any steps which may be necessary and appropriate to encourage and stimulate public interest and participation in the cultural heritage and programs of this State and to expand the State's cultural resources.

2. Freedom. To encourage and assist freedom of artistic expression essential for the well-being of the arts.

3. Surveys. To make any surveys which may be deemed advisable of public and private institutions engaged within the State in artistic and cultural activities, including, but not limited to, music, theatre, dance, painting, sculpture, architecture, literature, history and allied studies and pursuits and to make recommendations concerning appropriate methods of encouraging participation in and appreciation of these areas to

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meet the legitimate needs and aspirations of persons in all parts of the State.

4. Works of art. To act in an advisory capacity relative to the creation, acquisition, construction or erection by the State of any work of art, to file with the Governor, with the approval of the commissioner, within 30 days, its opinion of any proposed work of art together with any suggestions and recommendations which it may deem proper. The term "work of art" as used in this subsection shall include any painting, portrait, mural, decoration, stained glass, statue, tablet, bas-relief, ornament, fountain or other article or structure of a permanent character intended for decoration or commemoration, but shall not include "historical materials" administered by the Maine State Museum Bureau or the Bureau of Historic and Archaeological Sites.

§1004. Hearings; contracts

Subject to the approval of the commissioner, the bureau is authorized and empowered to hold public and private hearings, to enter into contracts, within the limits of funds available thereto, with individuals, or organizations, and institutions for services furthering the educational objectives of the bureau's programs; to enter into contracts, within the limit of funds available thereto, with local and regional associations for cooperative endeavors furthering the educational objectives of the bureau's programs; to accept, within the provisions of State law, gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the educational objectives of the bureau's programs; to make and sign any agreements and to do and

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perform any acts that may be necessary to carry out the purposes of this chapter.

§1005. Funds

The bureau is the official agency of the State to receive and disburse any funds made available by the Federal Government for programs related to the purposes of the bureau.

CHAPTER 21

BUREAU OF HISTORIC AND ARCHAEOLOGICAL SITES

§1101. Bureau director

The head of the Bureau of Historic and Archaeological Sites, hereinafter in this chapter called the "bureau," shall be the Director of Historic and Archaeological Sites, hereinafter in this chapter called the "director."

§1102. Duties of the director

In addition to those duties set out in section 104, the director shall have those duties and powers which the commissioner shall prescribe.

§1103. Duties of bureau

The bureau shall perform all duties which the commissioner shall prescribe, including the following.

1. Administration. To take those steps necessary and relevant to encourage and stimulate public interest and participation in the architectural and historic heritage of this State, provide liason between the State and Federal Government and public or private agencies or organizations interested in and

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participating in the field of historic preservation.

2. Programs. To administer the program of the National Historic Preservation Act of 1966, and other private and governmental programs within the purposes of the bureau.

3. Register of historic places. To prepare a State Register of Historic Places.

4. Acceptance of gifts and bequests. To accept gifts, devises, bequests and endowments, within the provisions of State law, for purposes consistent with the purposes of the bureau. Any funds given as an endowment shall be invested by the Treasurer of State according to the alws governing investment of trust funds. All gifts, devises, bequests and proceeds of endowment funds shall be used solely to carry out the purposes for which they were made; provided that the bureau shall not accept any gifts, devises or bequests without the consent of the commissioner and the Governor that will require the expenditure of any state, federal or federal matching funds for its repair, maintenance, preservation or operation.

§1104. Hearings; contracts

Subject to the approval of the commissioner, the bureau is authorized and empowered to hold public and private hearings related to the field of historic and archeological preservation and to enter into contracts within the limit of funds available therefor with individuals or organizations and institutions for services furthering the objectives of the bureau's programs; to enter into contracts, within the limit of funds available therefor with public or private local or regional organizations or associations for cooperative endeavors furthering the bureau's

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programs; approve the acceptance or, when necessary, make initial approval and recommendation for acceptance to the commissioner and Governor, of gifts, contributions, devises, and bequests of funds and objects from individuals, foundations, corporations and other organizations, and institutional or governmental bodies for the purpose of furthering the bureau's programs; to make and sign any agreements and to do and perform any acts that may be necessary to carry out the purposes of this chapter.

§1105. Recommendations

The bureau shall make recommendations and give assistance to private and governmental bodies as consistent with the purposes of this chapter.

§1106. Funds

The bureau shall be the official agency of the State to receive and disburse any and all funds made available by the Federal Government for programs related to the purposes of the bureau.

CHAPTER 23

ARCHAEOLOGICAL EXCAVATIONS

SUBCHAPTER 1

GENERAL PROVISIONS

§1201. Archaeological excavations

Any person, partnership, corporation, association or organization conducting, assisting or supporting in any manner any historical, archaeological or paleontological excavation in this State, shall report such activity and the location of such activity to the Bureau of Historic and Archaeological Sites.

SUBCHAPTER 2

STATE-OWNED OBJECTS AND SPECIMENS

§1301. Definitions

As used in this subchapter, unless the context clearly requires a different meaning, the following terms shall have the following meanings.

1. Authorized representative. "Authorized representative" means an official or group of officials employed by the State; or other competent person authorized in writing by the permitors.

2. Materials. "Materials" means 3-dimensional items, other than artifacts and specimens as defined, and excluding books, papers, manuscripts and archival or library material, which are commonly included in the display or research collections of museums.

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

4. Permittors. "Permittors" means the Director of Historic and Archaeological Sites and the Senior Archaeologist in residence at the University of Maine, acting in concert in the review, approval and granting of permits. When it is deemed to be advisable or necessary, the permittors may consult with the Maine Archaeological Society, interested agencies or individuals regarding permit conditions or requirements.

5. Site. "Site" means an area containing historical or archaeological artifacts or materials as defined within this subchapter, or other evidence of habitation, occupation or other use by historic or prehistoric peoples.

6. Specimen. "Specimen" means any items, set of items or parts of items collected as representative samples of geological media or biological forms found within the State.

7. State-controlled land. "State-controlled land" means any land or water area owned by the State or under the primary administrative jurisdiction of any state department, with the exception of those lands contained within Baxter State Park or the 3 Indian Tribal Reservations within the State. Such state-controlled land includes, but is not restricted to, state parks, state recreation areas, wilderness and wildlife preserves, highway rights-of-way or other easements. \*

§1302. Statement of policy

It is in the public interest to provide for the preservation and interpretation of archaeological artifacts and natural science specimens for the benefit of the people of the State. In order

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to insure proper preservation and interpretation of artifacts, specimens and materials which are public property by virtue of having been found on, in or beneath state-controlled lands, it is in the public interest that a state bureau be designated to hold title, as trustee for the State, to all such artifacts, specimens and materials. The Maine State Museum Bureau is best qualified to assume such 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.

§1303. Archaeological objects

The several departments of the State are authorized to transfer any archaeological objects or natural science specimens in their possession to the custody and trusteeship of the Maine State Museum Bureau.

The State designates the bureau to hold title, as trustee for the State, to all archaeological objects and natural science specimens found on, in or beneath state-controlled lands. The State further charges the bureau with the responsibility of protecting, preserving and interpreting such objects and specimens which may be placed under its trusteeship; preventing the defacement, damage, destruction or other unauthorized use of such objects and specimens ; and insuring the continued availability of such objects and specimens for scientific study by qualified persons, agencies or institutions.

§1304. Legislative provisions

1. Application. Any person, agency or institution, other

than the several departments of the State and their authorized representatives, desiring to remove prehistoric, aboriginal artifacts from or excavate a prehistoric, aboriginal site on state-controlled land or those desiring to remove other artifacts or materials from or excavate an historic site on state-controlled land shall submit a written application for authorization to the Bureau of Historic and Archaeological Sites not less than 10 days prior to the proposed time of removal or excavation.

2. Waiver. This provision notwithstanding, requirements for a written application and 10-day waiting period may be waived in an emergency in which prompt action is required to save artifacts, materials or sites threatened by construction or demolition projects or by natural disasters.

3. Contents of application. The application shall state the nature and specific location of the artifacts and materials to be removed, the legal name and address of the person, agency or institution seeking authorization and the date or dates on which the artifacts or materials are to be removed.

4. Interference with state agency. If the activity described in the application is likely to interfere with the activity of any state agency, no permit shall be issued, unless the applicant has secured the written approval of that agency.

5. Issuance of permit. Upon receipt of an application, the permitors may issue a written permit authorizing the excavation of the site and the proposed removal of artifacts or materials. The permit shall be retained in the personal possession of the permittee during the course of removal activities, and shall be made available for inspection upon demand of any authorized representative of the State.

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6. Failure to produce permit. Any persons engaged in the removal of artifacts or materials from, or engaged in archaeological excavation of state-controlled lands, who shall not produce a valid permit upon demand of an authorized representative of the State, shall be assumed to be engaged in unauthorized removal activity.

7. Requirements or limitations. In order to minimize damage to state-controlled lands and to artifacts or materials to be removed, and in order to insure the recording and preservation of significant data regarding those artifacts, materials or sites, the permit may set forth requirements or limitations regarding the methods and equipment to be employed in the removal, the procedures to be followed in documenting the removal, and the report or reports, if any, to be submitted to officials or agencies of the State upon completion of the removal activities.

8. Removal of artifacts. The permittors may, at their discretion, require that an authorized representative of the State be present to witness and document the removal of artifacts or materials from state-controlled land.

9. Contents of permit. The permit shall clearly indicate the type of artifacts or materials to be removed, the location of the site, the time of the proposed removal activity or excavation, the legal name and address of the permittee, and any other limitations and requirements that may be imposed by the permittors.

10. Revocation or suspension of permit. The permittors, or their authorized representatives, may revoke or suspend a permit if there is evidence to indicate that the / <sup>permittee</sup> has

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violated or exceeded the limitations of his permit, or if there is evidence to indicate that artifacts, materials or the site are being unnecessarily defaced, damaged or destroyed in the course of their removal. Any willful violation of the provisions or limitations of a permit shall be grounds for immediate revocation of that permit and shall be construed as unauthorized removal.

11. Damage to artifacts or sites. Defacement, damage, destruction, displacement or unauthorized removal of artifacts, materials or sites on, in or beneath state-controlled lands shall be prohibited, and a violation of this provision shall be a civil violation for which a forfeiture not to exceed \$500 may be adjudged for each item so defaced, damaged, destroyed, displaced or removed without authorization.

12. Ownership of materials. Notwithstanding the privilege of removal, and custody which may be granted to a permittee, the State reserves to itself the ownership of all artifacts and materials removed from state-controlled lands. Title to such artifacts and materials shall rest with the Maine State Museum Bureau, subject to the control exercised of the artifacts and materials by the Bureau of Historic and Archaeological Sites during any excavation or removal over which it may have jurisdiction, as trustee for the State. Custody of such artifacts or materials shall not be transferred by sale, gift, trade, bequest or in any other manner without the written consent of the Director of the Maine State Museum Bureau. The designated custodian, where applicable, of these artifacts or materials shall, insofar as practicable, guard and protect the artifacts and materials against loss, theft, destruction, damage or deterioration, and shall make them

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available for reasonably convenient study by qualified persons, agencies and institutions. Physical possession of artifacts and materials shall revert to the Maine State Museum Bureau if the designated custodian ceases to exist, or if the permittors concur in the opinion that the designated custodian is not properly caring for the artifacts or materials or is not keeping them available for reasonably convenient study by qualified persons, agencies and institutions.

13. State departments. The several departments of the State and their authorized representatives, though exempt from the permit requirements of this subchapter, shall advise the Director of the Maine State Museum of any anticipated departmental activity which is likely to involve the defacement, damage, destruction, displacement or removal of artifacts or materials or sites found on, in or beneath state-controlled lands and all permits issued on state-controlled land shall have the approval of the department under whose jurisdiction the land is held. The Director of the Maine State Museum and the Director of Historic and Archaeological Sites shall cooperate with the several state departments in efforts to preserve, salvage or minimize damage to artifacts, materials or sites, which may be endangered by departmental activities.

# → Sec. 3. Transitional provisions.

The Bureau of Arts and Humanities shall be the successor to the Maine State Commission on the Arts and <sup>the</sup> Humanities and shall have all the legal authority and duties presently delegated to that commission, except as otherwise indicated in this Act.

The Bureau of Historic and Archeological Sites shall be the successor to the Maine Historic Preservation Commission and shall have all the legal authority and duties presently delegated to that commission, except as otherwise indicated in this Act.

The Maine State Museum Bureau shall be the successor to the Maine State Museum Commission and shall have all the legal authority and duties presently delegated to that commission, except as otherwise indicated in this Act.

The Maine State Library Bureau shall be the successor to the Maine Library Commission and the State Librarian and shall have all the legal authority and duties presently delegated to the commission and the librarian.

1. Personnel. Employees of the present Maine State Library and the Maine Library Commission; the Maine State Museum and the Maine State Museum Commission; the Maine Historic Preservation Commission; and the Maine State Commission on the Arts and Humanities are transferred to the Department of Cultural Resources and shall be assigned to the appropriate bureau by the ~~commissioner~~ of Cultural Resources.

2. Regulations. All regulations of the Maine State Library, the Maine Library Commission, the Maine State Museum, the Maine

State Museum Commission, the Maine Historic Preservation Commission; the Maine State Commission on the Arts and <sup>the</sup> Humanities and any regulation promulgated by the Commissioner of <sup>Educational</sup> and Cultural Services pursuant to Title 27 of the Maine Revised Statutes or any officer of those commissions, which are currently in effect and in operation shall continue in effect until rescinded, amended or changed.

3. Funds and equipment transferred. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of any account of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new department by the State Controller, upon recommendation of the department head, the State Budget Officer and upon approval by the Governor.

#### Statement of Fact

The purpose of this bill is to create the Department of Cultural Resources.



## GENERAL RECOMMENDATIONS

1. That the State adopt a coordinated policy toward the promotion of the tourism industry which includes the promotion of the State's Cultural Resources, in the several areas of historic heritage and the visual and performing arts, such as historic sites and museums, art museums and exhibitions, craft shows. theatre. music and related events.
2. That the Joint Legislative Standing Committee on Business Legislation study the present laws relating to non-industrial apprenticeship programs in Maine and possible legislation to encourage the growth of cottage industry in the State.
3. That the newly constituted Department of Cultural Resources shall submit to the Governor and Legislature a comprehensive policy for the acquisition and/or development of State Owned Historic Sites by January 1, 1980.



A D D E N D A



JP  
Joint Order

Re: State Joint Select comm.  
on State Policy for the Preservation  
and Development of Historic and  
Cultural Resources



# STATE OF MAINE

## In House

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~~Ordered~~ WHEREAS, the State of Maine is recognized nationally for its abundant and important historic and cultural resources, resources which are of great potential benefit to the economic, cultural and spiritual well-being of the citizens of Maine; and

WHEREAS, it is in the best interest of the State to give encouragement to public and private institutions and agencies which promote a common understanding and appreciation by Maine citizens of their State and its achievements and add to the variety and richness of Maine life; and

WHEREAS, there already exist various State agencies and activities within the Department of Educational and Cultural Services and the Department of Conservation which contribute to these ends; and

WHEREAS, it is of critical importance to the State and its citizens that a consistent and meaningful policy be established for the most effective conduct of these agencies and activities with respect to themselves, the public and those private institutions and agencies operating in the historic and cultural fields; now, therefore, be it

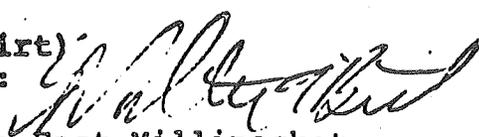
ORDERED, the Senate concurring, that there is established a Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources, this committee to consist of two members of the Senate, one of

whom shall be a member of the Joint Standing Committee on State Government; and two members of the House, one of whom shall be a member of the Joint Standing Committee on State Government; additional members shall include the President of the Maine League of Historical Societies and Museums, the President of ~~The~~ Maine Cultural Resources Council and six members of the general public; three to be chosen by the President of the Senate and three by the Speaker of the House; and be it further

ORDERED, that the committee shall make a final report of its findings, together with complete and final drafts of any proposed legislation, to the Legislative Council no later than 90 days before the beginning of the second regular session of the 108th Legislature for the purpose of establishing and implementing a consistent and coordinated policy and program by the State of Maine toward the acquisition, development, preservation and promotion of its historic and cultural resources, and their utilization by the people of the State; and be it further

ORDERED, that this committee shall receive the same reimbursement of expenses as other members of a joint standing committee; and be it further

ORDERED, that upon passage in concurrence, and after appointment of all the members of the committee, a suitable copy of this order shall be sent to each member of the committee.

(Birt)  
Name:   
Town: East Millinocket

Cosponsor:  
Name:   
Curran

Town: So. Portland

108th Maine Legislature

Joint Select Committee: Cultural Resources Policy

Dorris A. Isaacson, Chairman

Legislative Members:

Senator John D. Chapman, Woolwich; Chairman, Marine Resources Committee; Member, Business Legislation Committee; Insurance Agent; Past President, Sagadahoc preservation Inc., and Citizens for Historic Preservation.

Senator Olympia J. Snowe, Auburn; Chairman, Health and Institutional Services Committee; Member, State Government Committee; Cultural Organization Affiliations.

Representative Walter A. Birt, East Millinocket; Eight-term Legislator; Member, Education and Election Laws Committees; Power Station Operator; Vice Chairman, State Sesquicentennial Commission, State Bicentennial Commission; Trustee, Maine League of Historical Societies and Museums.

Representative Peter J. Curran, South Portland; Chairman, State Government Committee; Educator.

Public Members:

Bette Copeland (Mrs. Paul R., Jr.), Brunswick; Member, State Museum Commission, State Historic Preservation Commission; Director, Pejepscot Historical Society.

Christopher Glass, Camden; Architect; Vice President and Newsletter Editor, Citizens for Historic Preservation.

David Holmes, Plymouth; Sculptor, Woodcarver; Member, 1977 Maine Arts Festival Committee.

Dorris A. Isaacson (Mrs. Peter A.), Lewiston and Phippsburg; President, Maine League of Historical Societies and Museums; Chairman, State Archives Advisory Board; Former Member State Arts and Humanities Commission; Former Chairman, Maine Humanities Council; Author, Maine: A Guide 'Downeast'; Phippsburg, Fair to the Wind; Editor, Maine History News Quarterly; State Chairman, Citizens Committee for the State Cultural Building.

John F. Kimball, Portland; Advertising Executive; Former Vice Chairman, State Arts and Humanities Commission; Member, Portland Symphony, Portland Society of Art Boards, Portland Arts Council.

Sally W. Rand (Mrs. John R.), Cundy's Harbor; President, Citizens for Historic Preservation; Member, Portland Landmarks and Portland Society of Art Boards; Museum and Library Affiliations.

Eaton W. Tarbell, Bangor; Architect; Member, State Arts and Humanities Commission; Chairman, Bangor Fine Arts Commission; Member, Bangor Historic Commission; Architectural Advisor, University of Maine.

Marcella B. Violette (Mrs. Elmer W.), Van Buren; Educator; Doctorate in Acadian Heritage; Library Affiliations.

## DOCUMENTATION

Records and inventories on the present structure and operations of each of the Cultural Agencies obviously could not be included in this Report. They are available from the Agencies, and have been assayed by four sub-committees, respectively, and the full committee.

Presented here are:

1. Excerpts from depositions and oral testimony by State Government officials and by professionals and laymen in cultural and related fields.
2. One of the four sub-committee reports.
3. Reference sources listing.

Depositions were given by the following State Government officials and citizen Commission Chairmen:

Otto W. Siebert, State Budget Officer

Allan C. Pease, Director, State Planning Office

H. Sawin Millett, Commissioner, Department of Education and Cultural Services

Alden C. Wilson, Director, State Commission on the Arts and Humanities

Earle G. Shettleworth, Jr., Director, State Historic Preservation Commission

J. Gary Nichols, State Librarian

Robert L. Damm, Former Director, State Museum

Herbert Hartman, Director, State Parks and Recreation, Department of Conservation

Phillip M. Isaacson, Chairman, Arts and Humanities Commission

John W. Bardwell, Chairman, Historic Preservation Commission

Robert C. Woodward, Chairman, State Library Commission (advisory)

Vernon Segal, Chairman, State Museum Commission

1. Excerpts from oral and written testimony.

Leonard M. Nelson, Portland Attorney, former Chairman, Arts and Humanities Commission:

"Art is tremendously important to people's lives - all people, not just wealthy people and not just artists. I don't think Art is a fancy, or a frill...It potentially is the most meaningful feature in contemporary American life...Good Art requires skill, daring, imagination, hard work and creativity. It communicates...Important in a political sense, an honest Arts experience tends to create an independence of spirit and mind that is perpetually meaningful to a free people. An honest Arts experience tends to assert human values for contemporary persons who are psychologically and technologically cut off from the heritage of the past.

We have a personal obligation to provide dimension to the daily patterns of life on this planet which we all inhabit. I am willing to probe all our pasts to locate a childhood or lifetime Arts experience that has made a lasting personal mark on a person. For example, the Catholic Mass is an Arts experience shared by millions of Americans week in and week out...The Indian and his canoe is an artistic love affair; so is having a baby. They ...involve millions of people. They are life-enhancing. They give depth and breadth to life and reassert the holiness of each individual life."

Referring to cultural programming at State level, Nelson said quality is a major concern and that with healthy agencies and strong dedicated citizen participation, cultural programming undoubtedly would be more effective in a separate Department of Cultural Resources. "Cultural values are tied to the economy and there are humanly valuable as well as practical activities in which people can be engaged...Legislators are traditionally responsible for the quality of life of our society and it depends upon the Legislature whether or not our society is shallow."

Phillip M. Isaacson, Lewiston Attorney, Chairman, Arts and Humanities Commission.

While life is becoming homogenized through the technology of communications, Isaacson said, "the Commission is very much concerned with the preservation of true Maine values, with Maine as an unique and unusual place." He saw the agency as fostering this sense of place and these values as well as the universal artistic values, with emphasis on quality.

Of the Commission, he said, "We do speak for the Arts in Maine, unlike Commissions in other states where there are world-renowned institutions." He feels the Arts are without status in the State government hierarchy because "the State hasn't developed policy for the Arts since the agency was brought suddenly into existence a decade ago...The welfare of the Arts is tied directly to an established public policy with cultural agencies operating in concert."

Isaacson said that the impact of Arts programming far exceeds the cost to the State and that the arts would be reduced in Maine without the invaluable services and expertise of participating citizens. Pointing out that the Arts are big business and bring many dollars to the State, he said that what is being accomplished and its value "is not recognized in Augusta because we are ancillary." He saw no other way for the Arts to be heard except through an overall Cultural Department where the closer association of the agencies would increase their now limited effectiveness as well as access to public funds.

John F. Kimball, Portland Advertising Executive, Former Vice Chairman of the Arts and Humanities Commission.

For Maine's cultural welfare, "a new State Department for the cultural services should be established to operate with maximum visibility and ready accessibility to the public. Cultural activities and promotional efforts would thus be coordinated to achieve greater exposure at lower cost. Better planning would tie cultural and arts events and activities more closely to business enterprise. An informational program could inform tourist related businesses that support and promotion of neighboring arts and cultural activities is good business.

"Indeed, a Department of Cultural Services could be the instigator and catalyst for a long range, state-wide marketing concept - a partnership between the arts and culture, and commerce, inviting a share of dollars now spent exclusively on promotion of tourism and in economic development.

"Quality of Life is the by-word in the State Development Office in selling industry on moving to Maine. If there should be a department in State Government that could in a very real sense be called the Quality of Life Department, it is the Cultural Resources Department, which inherently has an important stake and role in the economic development of the State."

Robert C. Woodward, Chairman, State Library Commission (advisory); Librarian, Bangor Public Library:

While the State Library mandate includes school and college as well as public libraries, and the agency is a Bureau within the Department of Education, State Library programming is basically a public library effort by 90 per cent, Woodward asserted in citing the Library's leadership role in making the most efficient use of libraries. Funding, largely Federal, "is geared

to strengthening public community libraries," he said, in testimony before the Committee.

While the Library Commission is advisory to the Department Commissioner and the State Librarian and has no policy-making authority, it takes the view that "the State Library has a leadership role to engineer and guide and use Federal funds to promote programs, with local autonomy," Woodward said.

"Our advice has always been accepted by the Commissioner and the Librarian."

Emphasizing the value of the advisory Commission's role, he called attention to the "successful inter-library loan system" in which the State Library participates. The system consists of three autonomous public library districts joined voluntarily and cooperatively to area resource centers in Portland, Bangor and the State Library. Woodward hopes to see this system better developed and coordinated so as to expand visual and other needed services and to strengthen the leadership role of the State Library. He termed proposed State budget cuts "outrageous" from the standpoint of attempting to provide services.

Woodward said the State Library seeks through modern techniques to make the extensive services of Maine's libraries available to all Maine citizens. He had been apprehensive, he said, "to have the State Library permanent in the Department of Education; it probably shouldn't have been...but we have been well treated and this is not to say we wouldn't be happy in an overall cultural agency." The State Library "might do better" in a Department of Cultural Resources which, as has been suggested, would encourage the independent stance of its related bureaus, with recognition of the obvious advantage of their mutual reliance in cooperative budgeting, fund seeking and programs. If it could be proved "with prophetic certainty that it would improve our situation, we would jump at the chance," he said. In a

later personal statement, Woodward said, "I would prefer to see our State Library as an independent agency."

Richard F. Gross, Director, Lewiston Public Library:

Gross sees public libraries as cultural centers and as doing more than the schools in the cultural development of the young. He cited as exemplary, public programs initiated by the Lewiston Library with State and Federal grants assistance, and the music and art residencies established by the library in Lewiston schools.

While the State Library is not involved in cultural programming by local libraries whose boards are autonomous, Gross feels the Regional library system is a natural for developing the coordination and funding of such programs. "Quality programs and activities brought in by libraries in larger centers should be programmed into smaller libraries when possible, with the recognition that small libraries may have different priorities," he said.

Pointing to "the need for coordination of cultural programming," Gross said the State Library "undoubtedly would be best served" in a Department encompassing the cultural agencies.

John D. Bardwell, Chairman, State Historic Preservation Commission; former University Administrator.

Expressing concern for coordination of resources, Bardwell predicted the agency's increasing effectiveness as "a significant force in the economic development of the State in the light of accelerated Federal support...if the agency could administer \$500,000 worth of grants each year, it could mean up to \$1 million for the construction industry in Maine. It could

mean redevelopment of commercial areas, like Portland's Old Port Exchange, in other Maine cities. Tax reduction for restoration of historic properties, low interest loans for work on such properties and similar laws in the works, will endear us to people in the building trades, real estate, business and banking. These are unusual companions for a cultural agency."

Other testimony brought out that the agency's Director is also the State Historic Preservation Officer, legally required to provide official liaison between the State and Federal governments in order for the State to participate in the grants program. The Officer-Director recommends nominations, reviewed by the State Commission, to the Federal National Register and administers the Federal grants program. In the absence of State policy, the Officer-Director, who is the final authority in carrying out Federally regulated programs, is burdened with complex operational arrangements with other Departments and Bureaus, and the Commission's policy-making authority is nebulous.

Bardwell predicated his projection on anticipated increase in Federal preservation grant funding and a proposed 70-30 match formula. Since the passage of the National Preservation Act, nearly three quarters of a million dollars in historic preservation grant-in-aid funds have been awarded to the State. This amount has been matched with an equal amount in non-state funds and the total applied to the restoration or acquisition of 35 historic properties in the State. Thus nearly \$1.5 million have been introduced into the Maine economy for historic preservation at no cost to the State.

The agency and its Commission, predominantly Federally funded and regulated "is the only cultural agency that performs extensive reviews of proposals to assess impact on historic structures, eligibility for tax deductions, and for National Register status, or threat to the historic environment," said Bardwell, who feels that effective programs should be preserved in a Department of Cultural Resources.

Vernon Segal, Chairman, State Museum Commission

Acknowledging the Museum's past problems, Segal said "the broad interpretation of the Museum's mandate has tended toward over-extension and overlapping." He said the Museum's programs are under re-evaluation as to propriety and priority and he feels new membership has strengthened the Commission's policy direction.

"Permanent exhibitions are the Museum's No. 1 priority," he said, and "the Museum should be reaching out to local communities." Reflecting the Commission's view, Segal recommended a Department of Cultural Resources composed of the cultural agencies "for the coordination and more effective services to the public."

John Holverson, Director and Curator of Collections, Portland Museum of Art, the Maine State Representative to the NEC New England Conference of the American Association of Museums and a member of the Visiting Accreditation roster for the New England area.

"Museums are unique in their role. Like no other institution in contemporary society, only museums collect, preserve, exhibit and elucidate. Only museums have the real, the genuine, the true, in the public trust," said Holverson in his statement in State support for cultural activities.

"Unification of the arts and historic resources is needed and would be better achieved by the creation of a new Department for the purpose of administering these services alone." Naming the current cultural agencies as components of such a Department, Holverson emphasized the vital role of citizens impact in the operations of these agencies, "for the good of the State, the use of taxpayers' money and the investment in the future of our communal cultural life."

"Anything less will make the cultural and historic assets of this great State a political football. Our time is the time to unify and to get on with the serious job to be done. Preserving the individuality of approach and the belief that the best is being sought by those best qualified throughout the State is central to our future...Appropriate and qualified forms of evaluation can be formed by this Department for each of its parts...A new Department will function only as well as its designing legislation."

Ralph L. Snow, Executive Director, Bath Marine Museum.

Referring to the State cultural agencies, Snow said, "The current structure is illogical, unwieldy and unworkable...the concerned agencies are lumped into the Department of Education...They are step-children in a large bureaucratic organization which has no real interest in the purpose of the cultural and historical agencies...The Department of Education is essentially a regulatory agency, but the cultural agencies need to be creative. This dichotomy, I believe, cannot be bridged by any step short of total separation..."

"The Arts and Humanities and Historic Preservation agencies share clear-cut common operational purposes, advise and grant funds to local, regional and state private organizations to encourage and enable work to go ahead through grass-roots initiative rather than through governmental 'diktat.'...The State Library and the State Museum are somewhat different in their respective thrusts...The key questions are the future role of these agencies in the cultural life of Maine and the most effective manner by which they can fulfill this role.

"My answer to the first part is that they should serve primarily as supportive agencies to the broad range of cultural organizations within the State and, secondarily, do these things which no other agency or organization is capable of doing. The Arts and Humanities and Historic Preservation agencies would continue much as they are now, providing advice and funding for worthwhile projects. The State Library would continue to provide access to its collections...and would expand its technical services to other organizations. The Maine State Museum would expand its technical services to state organizations, using its fine conservation and exhibit preparation facilities and limiting its permanent collection and exhibit functions to areas where no appropriate alternatives are available. For example, a permanent exhibit on Maine habitats would be appropriate, but a permanent exhibit on Victorian decorative arts would not. Much of the exhibit space at the Museum could thus be reserved for changing displays that the State Museum, drawing on the collections and assistance of private cultural organizations state-wide, would develop and which explored various aspects, historical and cultural, of Maine life...All of these agencies should be within the same department, a Department of Cultural Resources."

Peter W. Cox, Publisher, Maine Times.

Stressing quality as the important factor in cultural activities, Cox said, "there must be a much clearer and more specific set of goals in the longterm operation of the State's cultural agencies." He feels State services would be most compatible in a Department and that they should not be in the Department of Education.

Without specific goals and quality standards, nothing meaningful can be accomplished on a long-term basis and much money is wasted, he said. "I think the humanities grants I have seen and the grants for literature as well as the bicentennial grants for town histories are examples which illustrate this wastage."

R. Brewster Harding, Marketing Director, Maine Line Tours.

"We are dedicated to seeing that the potentials of a sound visitor industry are realized. We are dedicated to seeing that the planning and the necessary State supervision are instigated now, before the industry becomes of such size that it takes its own course...

"For the people...this can mean improved inter and intra state transportation; expanded employment opportunities; increased recreational social and historic facilities; and maximum preservation of our physical assets and social and ethnic cultures.

"If we fail to plan carefully, the potential of our visitor industry, we will all be the losers...Failure to plan can only result in limited seasonal employment opportunities; opportunistic low-quality resort hotel and attraction development; increased auto and camper-truck traffic during the summer peak; and ultimately, resident resentment toward visitors because of these negative factors."

The above quote, from an Alaska gubernatorial message referring to the 49th State, was offered by Harding to emphasize what he feels should be done in Maine. Relating appropriate development of Maine's cultural resources to planned tourism, he said the State does not appear to recognize or understand both of these areas, and the State and its citizens are the losers in revenues, in employment and in protection from over-commercialization that "will destroy Maine's uniqueness if tourism is allowed to run its present undirected course.

"We do not have a Disneyland or Amusement complexes which would flood the State with untrammelled 'tourism.' Maine's many unique and diverse cultural attractions and activities are in the small to medium range. They must be kept that way and support must be given in proper balance. The State is the only organization with the power - and the obligation - to protect the interests of the taxpayers. The taxpayers should be upset that the State is allowing this source of revenue, this protection for their heritage, to go uncontrolled."

2. Subcommittee Report: State Library by Sally W. Rand

The Maine State Library is meeting the challenges of the 20th century by taking a leadership role in the development of the resources of the public and private libraries of the State, at the same time realizing a more efficient system sensitive to the needs of institutions and individuals. It has been strengthened by the strong assistance of the Maine State Library Commission (advisory), bringing the dedication and knowledge of professionals and lay people to the aid of the State Librarian and his staff. The State Library has a central role in the effective regional library system which links local community libraries to one of three area reference centers.

As Maine's oldest public cultural institution, the State Library developed its strength over the years as an independent agency. During the past four years under the Department of Education and Cultural Services it has retained a semblance of this independence through the indulgence of the Department Commissioner. The Library Commission, although advisory, has been allowed by the present Commissioner and present State Librarian to participate in the policy-making process for State library programming. This participation is seen as vital to the growth of the State Library as a major factor in the cultural life of Maine. While the State Library mandate includes school and college libraries as well as public libraries, the State Library program is basically a public library effort by some 90%. It can be seen that placement of the Library in a separate Department of Cultural Resources would give the State Library a higher visibility to the body politic and to the public as well. A department of Cultural Resources will encourage the independent stance of its related bureaus, with recognition of the obvious advantage of their mutual reliance in cooperative budgeting, fund-seeking and programs.

The Maine State Library was authorized by the Maine Legislature in 1839. In 1971 the State Library was moved to the new Cultural Building, save for the Law

and Legislative Reference section which remained at the State House, and was made a separate agency. Except during the decade of the 1930s when it was under the Department of Education, the State Library operated independently from its inception, until July, 1972, when it was placed as a bureau under the newly organized Department of Education and Cultural Services. The State Librarian, formerly appointed by the Governor, is now appointed by the Commissioner of Education, with the advice and consent of the Governor.

In 1971, a Task Force to Study Library Services in Maine, appointed by Governor Curtis, had recommended the creation of a Maine Library Advisory Committee to carry out the long-range objectives of library planning and development in the State. This Committee was broadly based in expertise, its seven members drawn statewide from the Maine Library Association, the Maine Association of Library Trustees, Maine School Library Association, College and University Libraries, two at-large citizen members and a representative of the Media center. An Advisory Council on Libraries, mandated by the federal Library Services and Construction Act, was also appointed in 1971 to oversee the spending of federal funding in the various library programs for the State, and was involved in the work of the Library Advisory Committee ex-officio.

The Library Advisory Committee (Federally funded) spent two years in studying the present condition and future needs of the various library systems in the State, holding 10 regional workshops across the State with deep involvement of all the various constituencies. When the new legislation was drawn, it was further refined with another series of statewide meetings. Two major recommendations of the Committee were enacted into legislation by the 1973 Legislature: the establishment of a Maine Library Commission (absorbing the duties of the Federal Advisory Council) and the creation of Regional Library Districts. Each Regional Library District is a defined

geographic area consisting of local libraries joined cooperatively to an area reference and resource center. The Maine Library Commission, set up as advisory to the State Librarian on policy and budgetary matters, also acts as an appeals board for any library in the State which may have problems in connection with various State and/or Federal programs. Since its appointment, the Commission has met regularly with the State Librarian. According to statute, its makeup includes 15 representatives from small and large libraries, each Regional Library District, institutional, academic, school and specialized libraries, a representative from the Maine Library Trustee Association, a representative for the disadvantaged and handicapped, and two lay members at-large.

The role of the Maine State Library has expanded from its initial function of service to State Government, to leadership as a focal point for reference, inter-library loan and resource center for local community and special libraries in the State. Its programs are carried out through its two major divisions: the General Loan and Reference Services Division and the Library Development Services Division. Services developed include such progressive time and money saving efforts as centralized cataloguing through the New England Library Information Network. Services which directly benefit individuals include the program for the blind and physically handicapped which provided talking books and large print books to over 2,000 users in 1976. Circulation from the collection (332,830 titles in June, 1976) amounted to nearly 88,000 volumes in 1976, and continues to rise. A WATS line and TWX facilities expedite the inter-library loan service. Perhaps the most famous and beloved service is the bookmobile system, authorized by the Legislature in 1953. In 1976 bookmobiles drawing on their collection of 175,000 books, served 272 towns without libraries and assisted public libraries in 46 towns with populations below 1,000 people, circulating 263,688 books to children, and 163,732 adult borrowings. Recent cutbacks, however, will seriously disaffect this program. According to State Librarian, J. Gary Nichols, the State Budget Office recommendation to delete bookmobile replacements for 1978-9, will create a situation from which the bookmobile program will never recover.

The delivery of the broad range of services of the State Library has been greatly improved by the establishment of the Regional Library District system. Centers are located in Bangor, Maine State Library in Augusta, and Portland. The Regional Library Districts each have Library District Councils serving a constituency of participating local libraries within each geographical library district, and also act as advisory to the Maine Library Commission. Local public libraries remain autonomous, in fact membership in the regional systems is voluntary, yet they are able to take greater advantage of the area reference and resource center services, including films, consultants and interlibrary loan delivery systems. It should be noted that 170 of the 237 public libraries in Maine are in communities of less than 5,000 people. Larger public libraries are expanding their programs as cultural centers for their communities with series of films, concerts, lectures, visiting arts and art exhibits, and serving as showcases for local activities.

Under State Government Reorganization, media and school consultant services were transferred from the old division of Federal Resources to the State Library Bureau. This action effectively coordinated state-level library programs for schools and public libraries (1976 State Library Report). School libraries are also involved in the Regional District System, are represented on the Library Commission at the State level, and continue to receive aid through Title II (now Title IV) for federally funded library-media development. Media services, instructional television programs are broadcast to schools through WCBB and MPBN, and are totally State funded.

The total budget (Fiscal Year 1976) consisted of approximately \$1,058,000 in State funds, \$572,000 in Federal funds. Administration, which oversees the operations of the Library's two major divisions: Budget (FY 1976), circa \$69,000 in State funds. The Library-Reader and Information Services division includes reference and circulation plus technical processing services: Budget (FY 1976), circa \$209,000 in State funds. The Library Development Services division includes the State Library's part in the

the Regional Library system, the eight bookmobiles, instructional television, services to the handicapped, institutional services, the North Country and Maine State Library Film Center, etc.: Budget (FY 1976) circa \$780,000 in State Funds; circa \$572,000 in Federal Funds. The State allocation (about \$1.00 per capita) for this vital part of Maine's cultural life, so available to all, could not produce the present program without Federal aid.

The Maine State Library and the Maine Library Commission (advisory) working closely with the various library organizations in the private sector, set broad goals for the future to continue its leadership in the development and coordination of all types of libraries statewide. Outlined as immediate needs by the State Librarian are the following: 1. Adequate funding of the Bookmobile Program. 2. Adequate support of the Regional Library System. 3. Adequate funds for books (Inflation and a 50% rise in cost during the past two years). 4. Provision for funding technological improvements (to take advantage of computer technology and automation for improved and cost-effective information handling). 5. Adequate State support of the State-wide library programs (current over-reliance on federal funds).

Research:

1. Report, Maine State Library, "1839-1970"
2. Report, Maine State Library, "Transition Years, 1970-71"
3. Annual Report to State Government, Maine State Library, June, 1976
4. Report to Joint Select Committee on Government Reorganization (Collins) 1971
5. Budget, Maine State Library, FY 1976-
6. Papers: Major Functions of the Maine State Library (1976)  
The role of the Maine State Library (1976)  
Draft: Position Paper, Maine State Policy Plan & the Cultural Agencies  
Project Summaries for Maine Library Commission, 1976-March

3.

Reference Sources

Maine Statutes

Legislation, Appropriations, 1966-77

State Government Reorganization Reports

Cultural Agencies Records, Inventories

Performance Audit, State Museum 1977

State Arts and Humanities Agency Cultural Resources Survey 1977

State Historic Preservation Agency Historic Resources Inventory

State Library Reports

State and Local Organizations, Records and Publications

Maine League of Historical Societies and Museums Records 1961-77

Media Coverage 1961-1977

Maine Related National Institutions:

National Endowment for the Humanities

National Endowment for the Arts

National Trust for Historic Preservation

National Park Service, Department of the Interior

Historical American Building Survey

American Association for State and Local History

Society for the Preservation of New England Antiquities

American Association of Museums

American Library Association