

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2092

H. P. 2009

House of Representatives, January 17, 1978

Reported from the Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources under Joint Rule 17, pursuant to Joint Order H. P. 345.

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Sec. 1. 2 MRSA § 6, sub-§ 1, 8th line from the end, as last repealed and replaced by PL 1973, c. 788, § 2, is amended to read:

Commissioner of Educational ~~and Cultural~~ Services;

Sec. 2. 2 MRSA § 6, sub-§ 1, as last amended by PL 1975, c. 766, § 1, is further amended by adding at the end the following:

Commissioner of Cultural Resources

Sec. 3. 5 MRSA § 1855, 6th sentence, as enacted by PL 1975, c. 322, § 3, is amended to read:

The commissioners of the Departments of Human Services, Transportation, Manpower Affairs, Finance and Administration, Educational ~~and Cultural~~ Services, Public Safety, Mental Health and Corrections and the Secretary of State shall each designate a member of his department to serve on the board, except that no member of the Bureau of Central Computer Services shall be a member of the board.

Sec. 4. 20 MRSA c. 1, 1st 2 lines, are repealed and the following enacted in their place:

CHAPTER 1

DEPARTMENT OF EDUCATIONAL SERVICES

Sec. 5. 20 MRSA § 1, as repealed and replaced by PL 1971, c. 610, § 1, is amended to read:

§ 1. Department

The Department of Educational ~~and Cultural~~ Services, as heretofore established and hereinafter in this Title called the "department," shall exercise such powers and perform such duties as are set forth in this Title.

Sec. 6. 20 MRSA § 1-A, 1st sentence, as amended by PL 1971, c. 610, § 2, is further amended to read:

There is created and established the Department of Educational ~~and Cultural~~ Services to supervise, guide and plan for a coordinated system of public education for all citizens of the State and interrelate public education to other social, economic, physical and governmental activities, programs and services.

Sec. 7. 20 MRSA § 1-A, 2nd sentence, as amended by PL 1971, c. 610, § 2, is repealed.

Sec. 8. 20 MRSA § 1-A, 3rd sentence, as last amended by PL 1977, c. 78, § 121, is further amended to read:

The department shall consist of a Commissioner of Educational ~~and Cultural~~ Services, hereafter in this Title called "commissioner," who shall be appointed by the Governor after consultation with the State Board of Education as established and subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature to serve at the pleasure of the Governor.

Sec. 9. 20 MRSA § 1-A, 4th sentence, as amended by PL 1973, c. 169, § 1, is further amended to read:

The department shall include the following as heretofore or hereafter created and established: The Department of ~~Education~~ Educational Services, the State Board of Education, the Maine Education Council, the Maine Commission for the Higher Education Facilities Act of 1965, the Maine Advisory Council on Vocational Education, the Maine Representatives to the New England Board of Higher Education, the Maine School Building Authority and the Governor Baxter School for the Deaf ~~the Maine State Commission on the Arts and the Humanities, the State Museum, the Maine State Museum Commission, the State Historian, the Maine State Library and the Maine Historic Preservation Commission.~~

Sec. 10. 20 MRSA § 1-B, 1st ¶, as enacted by PL 1971, c. 610, § 3, is amended to read:

The Department of Educational ~~and Cultural~~ Services shall be composed of the following bureaus:

Sec. 11. 20 MRSA § 1-B, sub-§ 1, as amended by PL 1975, c. 771, § 167, is repealed.

Sec. 12. 20 MRSA § 1-B, sub-§ 2, as amended by PL 1977, c. 78, § 122, is repealed.

Sec. 13. 20 MRSA § 1-B, sub-§ 3, as amended by PL 1977, c. 678, § 123, is repealed:

Sec. 14. 20 MRSA § 51, sub-§ 3, ¶ A, as enacted by PL 1971, c. 610, § 4, is amended to read:

A. It shall act in an advisory capacity to the Commissioner of Educational ~~and Cultural~~ Services concerning matters contained in this Title.

Sec. 15. 20 MRSA § 58, as last amended by PL 1973, c. 571, § 9, is further amended to read:

58. Contracts for vocational education programs

The Commissioner of Educational ~~and Cultural~~ Services is authorized to enter into contract with any academy or institute, which is serving one or more communities in lieu of a public secondary school, for the conduct of a vocational course or vocational courses which meet the same standards for approval as those conducted in public secondary schools.

The commissioner ~~of Educational and Cultural Services~~ may reimburse such institutions for part of the cost of conducting approved vocational courses from funds available from the Federal Government for the purpose of vocational education.

Sec. 16. 20 MRSA § 59, 1st, 2nd and 3rd sentences, as repealed and replaced by PL 1975, c. 551, § 1, are amended to read:

The State Board of Education shall, in accordance with such rules and regulations as it may prescribe, authorize the Commissioner of Educational ~~and Cultural~~ Services to certify and revoke the certification of teachers and other professional personnel for service in any public school in the State, or in any nonpublic school which accepts public funds for tuition or is approved for attendance purposes under section 911. The State Board of Education may, in accordance with such rules and regulations as it prescribes, authorize the commissioner ~~of Educational and Cultural Services~~ to certify adult education teachers and other teaching and professional personnel in publicly supported

education programs other than those in the public schools, post-high school institutions, colleges and universities. The State Board of Education shall, in accordance with such rules and regulations as it prescribes, authorize the commissioner of ~~Educational and Cultural Services~~ to approve the employment of teacher aides, teacher assistants or other semiprofessional personnel for service in the kinds of schools described in this section.

Sec. 17. 20 MRSA § 76, sub-§ 1, ¶ C, as enacted by PL 1975, c. 601, § 1, is amended to read:

C. One position for a member of the Maine Delegation of the New England Board of Higher Education. This member shall not, at the time of appointment to or during any time of membership of the Post-secondary Education Commission, be the Chancellor of the University of Maine, the Commissioner of Educational ~~and Cultural~~ Services or an administrative officer or member of the governing board of a public, private nonprofit or proprietary post-secondary educational institution in Maine.

Sec. 18. 20 MRSA § 76, sub-§ 2, as enacted by PL 1975, c. 601, § 1, is amended to read:

2. **The Chancellor of the University of Maine and the Commissioner of Educational Services.** The Chancellor of the University of Maine and the Commissioner of Educational ~~and Cultural~~ Services shall serve as ex officio members of PECOM.

Sec. 19. 20 MRSA c. 5, 1st 2 lines, are repealed and the following enacted in their place:

CHAPTER 5

COMMISSIONER OF EDUCATIONAL SERVICES

Sec. 20. 20 MRSA § 102, 2nd ¶, is repealed as follows:

~~The commissioner does not have authority to exercise or to interfere with the exercise of any discretionary authority granted to the Maine Museum Commission and the Maine Arts and Humanities Commission.~~

Sec. 21. 20 MRSA § 102, sub-§ 12, last sentence, as amended by PL 1973, c. 571, § 12, is further amended to read:

Whenever such a petition is received by the Commissioner of Educational ~~and Cultural~~ Services, he may determine the extent and conditions under which an inspection shall be made;

Sec. 22. 20 MRSA § 151, 1st ¶, as amended by PL 1973, c. 571, § 13, is further amended to read:

It shall be the duty of the Commissioner of Educational ~~and Cultural~~ Services to adjust the grouping of school administrative units within the State in accordance with the following.

Sec. 23. 20 MRSA § 155, last ¶, as amended by PL 1973, c. 571, § 18, is further amended to read:

When a unit having more than 75 teachers under its care and custody shall remove itself from an existing school union or supervisory combination composed of not more than 2 units, the remaining unit shall, with the consent of its school committee members and the commissioner, ~~of Educational and Cultural Services~~ be treated as though said remaining unit had more than 75 teachers under its care and custody, provided that said remaining unit has more than 40 teachers under its care and custody.

Sec. 24. 20 MRSA § 220, 3rd ¶, 4th sentence, as enacted by PL 1975, c. 510, § 7, is amended to read:

The commissioner ~~of Educational and Cultural Services~~ shall have the responsibility of approving or disapproving all school bus purchases, contracts and leases.

Sec. 25. 20 MRSA § 220, 4th ¶, as enacted by PL 1975, c. 272, § 1, is amended to read:

Total expenditures for purchases of school buses used in transportation of elementary and secondary students approved by the commissioner ~~of Educational and Cultural Services~~ during any single year shall not exceed \$3,000,000. The amount of this limitation shall be reviewed annually by the Legislature to see if a change is warranted.

Sec. 26. 20 MRSA § 301, 5th ¶, last sentence, as repealed and replaced by PL 1973, c. 750, § 3, is amended to read:

The Commissioner of Educational ~~and Cultural~~ Services shall provide the committee with the necessary Federal Decennial Census figures for each municipality in the district and at least one recommended plan that meets the requirements of one of the 4 Methods A, B, C or D.

Sec. 27. 20 MRSA § 311-B, sub-§ 1, as last amended by PL 1971, c. 610, § 22, is further amended to read:

Commissioner. "Commissioner" shall refer to Commissioner of Educational ~~and Cultural~~ Services.

Sec. 28. 20 MRSA § 358, 2nd ¶, 4th and 6th sentences, as enacted by PL 1975, c. 510, § 18, are amended to read:

The commissioner of ~~Educational and Cultural Services~~ shall have the responsibility of approving or disapproving all school bus purchases, contracts and leases.

Total expenditures for purchases of school buses used in transportation of elementary and secondary students approved by the commissioner of ~~Educational and Cultural Services~~ during any single year shall not exceed \$3,000,000.

Sec. 29. 20 MRSA § 806, 4th ¶, as enacted by PL 1973, c. 484, is amended to read:

A school counselor shall be defined as any person who is employed as a school counselor in a school setting, and who is certified as a school counselor by the Department of Educational ~~and Cultural~~ Services or possesses a minimum of a Masters Degree in Guidance and Counseling.

Sec. 30. 20 MRSA § 855, 3rd sentence, as last amended by PL 1973, c. 571, § 72, is further amended to read:

The Commissioner of Educational ~~and Cultural~~ Services shall have the right to reduce or waive the minimum number of days required upon application from any school committee or board of directors in the State, such application to be supported in writing with a statement of the reasons for such request.

Sec. 31. 20 MRSA § 859, last ¶, 2nd sentence, as amended by PL 1973, c. 571, § 27, is further amended to read:

The per capita cost shall be determined in accordance with regulations established by the Commissioner of Educational ~~and Cultural~~ Services.

Sec. 32. 20 MRSA § 916, 2nd sentence, as amended by PL 1973, c. 571, § 31, is further amended to read:

The Commissioner of Educational ~~and Cultural~~ Services, with the approval of the State Board of Education, shall establish requirements for accreditation which include quality of instruction, curriculum and school facilities.

Sec. 33. 20 MRSA § 1195, sub-§ 1, as enacted by PL 1977, c. 471, is amended to read:

1. Rules authorized. The Commissioner ~~of the Department~~ of Educational ~~and Cultural~~ Services, or his designee, shall adopt and amend rules required for the effective implementation of the provisions and purposes of this subchapter.

Sec. 34. 20 MRSA § 1281, sub-§ 3, last sentence, as last amended by PL 1973, c. 571, § 72, is further amended to read:

The commissioner of ~~Educational and Cultural Services~~ shall have the right to

reduce or waive the minimum number of days required upon application from any school committee, board of directors or board of trustees of any academy in the State, such application to be supported in writing with a statement of the reasons for such request.

Sec. 35. 20 MRSA § 1281, sub-§ 6, as last amended by PL 1975, c. 293, § 4, is further amended to read:

6. Hygienic facilities and equipment. It has safe and hygienic facilities, adequate equipment and supplies, all of which comply with the regulations established by the Department of Human Services and the Commissioner of Educational ~~and Cultural~~ Services.

Sec. 36. 20 MRSA § 1281, sub-§ 8, 1st sentence, as last amended by PL 1971, c. 610, § 22, is further amended to read:

The requirements for graduation shall include American history and 4 years of English in a planned program approved by the commissioner ~~of Educational and Cultural Services~~.

Sec. 37. 20 MRSA § 1281, sub-§ 10, as last amended by PL 1973, c. 571, § 72, is further amended to read:

10. Size. Any public school enrolling fewer than 100 pupils may be approved by the commissioner ~~of Educational and Cultural Services~~ on an emergency or continuing basis only after the school committee or board of directors have presented in detail reasons for such emergency or continuing approval. Any such school which is adjudged by the commissioner to be geographically isolated shall receive the commissioner's approval for a 6-year period subject to the right of the commissioner to terminate its approval, on the ground of size, only if the school receives at least 5-years' notice of such termination, and subject also to the satisfactory meeting in every case of the other requirements of this section.

Sec. 38. 20 MRSA § 1281, last ¶, as amended by PL 1971, c. 610, § 22, is further amended to read:

Notwithstanding any other provision of this Title, the commissioner ~~of Educational and Cultural Services~~ shall give basic approval under this section for attendance purposes to any nonpublic secondary school which is accredited by the New England Association of Colleges and Secondary Schools; and for tuition purposes to any nonpublic secondary boarding school which is so accredited.

Sec. 39. 20 MRSA § 1286, 1st ¶, as amended by PL 1977, c. 78, § 132, is further amended to read:

The course of study in secondary schools shall be approved by the commissioner ~~of Educational and Cultural Services~~.

Sec. 40. 20 MRSA § 1291, 4th sentence, as amended by PL 1971, c. 610, § 22, is further amended to read:

Any pupil for whom tuition payment has been denied by the school committee may appeal to the commissioner ~~of Educational and Cultural Services~~ for a decision and any payment found to be rightly due shall be adjusted as provided for such cases in section 1292.

Sec. 41. 20 MRSA § 1292, 2nd ¶, last sentence, as enacted by PL 1971, c. 233, § 32, is amended to read:

Superintendents of schools and principals of private schools shall notify the Commissioner of ~~Education~~ **Educational Services** whenever a sending unit is delinquent in its tuition payments and the commissioner shall withhold such delinquent tuition from the monthly apportionment as set out in the preceding paragraph.

Sec. 42. 20 MRSA § 1345, as amended by PL 1973, c. 571, § 33, is further amended to read:

§ 1345. Regulations of commissioner

The commissioner ~~of Educational and Cultural Services~~ may make such reasonable regulations regarding tuition charges, accounting and other aspects of academy and municipal relationships as are deemed necessary for carrying out the purposes and provisions of sections 1344 to 1348.

Sec. 43. 20 MRSA § 1471, as amended by PL 1973, c. 571, § 36, is further amended to read:

§ 1471. Gifts and bequests; short-term investments

The Treasurer of State is authorized to accept gifts, bequests and other funds from public or private agencies, subject to any conditions contained therein provided such conditions are approved by the Commissioner of ~~Educational and Cultural~~ **Educational and Cultural Services** to be credited to the Capital Working Fund. When any such gift, bequest or grant is made for a particularly designated purpose, the amount so received shall be used to reduce the total amount of capital outlay involved in the project designated and due to be returned to the fund as provided in section 1464.

The Treasurer of State may, with the approval of the commissioner ~~of Educational and Cultural Services~~, make short-term investments of accumulated assets in the Capital Working Fund, the income and capital to be returned to the Capital Working Fund and the income expended by the commissioner for the purposes described in section 1463.

Sec. 44. 20 MRSA § 1751, 1st sentence, as last amended by PL 1973, c. 571, § 38, is further amended to read:

Certificates shall be issued by the Commissioner of Educational ~~and Cultural~~ Services to teachers and other professional personnel for service in any public elementary or secondary school in the State or in any such nonpublic school as accepts public funds for tuition.

Sec. 45. 20 MRSA § 1901, 4th ¶, as last amended by PL 1973, c. 571, § 39, is further amended to read:

After providing an opportunity for a hearing, the commissioner ~~of Educational and Cultural Services~~ may adjust the state subsidy to an administrative unit when the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive. Any interested party aggrieved by a decision of the commissioner may appeal to the State Board of Education pursuant to section 51.

Sec. 46. 20 MRSA § 1951, next to the last sentence, as amended by PL 1973, c. 571, § 41, is further amended to read:

Any other plan of sick leave which, in the opinion of the commissioner ~~of Educational and Cultural Services~~, provides at least equal benefits may be approved in lieu thereof.

Sec. 47. 20 MRSA § 2021, as amended by PL 1971, c. 610, § 22, is further amended to read:

§ 2021. Designated state official

The "designated state official" for this State shall be the Commissioner of Educational ~~and Cultural~~ Services. He may enter into contracts pursuant to Article III of the agreement only with the approval of the specific text thereof by the State Board of Education.

Sec. 48. 20 MRSA § 2022, as amended by PL 1971, c. 610, § 22, is further amended to read:

§ 2022. True Copies filed

True copies of all contracts made on behalf of this State pursuant to the agreement shall be kept on file in the office of the Commissioner of Educational ~~and Cultural~~ Services and in the office of the Secretary of State. The commissioner ~~of Educational and Cultural Services~~ shall publish all such contracts in convenient form.

Sec. 49. 20 MRSA § 2202, sub-§ 1, 2nd ¶, as amended by PL 1973, c. 571, § 42, is further amended to read:

Any educational institution seeking authority to grant any educational, literary or academic degree, or any junior college or similar post-secondary educational

institution seeking authority to grant an associate degree, shall make application to the State Board of Education through the office of the Commissioner of Educational ~~and Cultural~~ Services.

Sec. 50. 20 MRSA § 2202, sub-§ 1, 3rd ¶, 1st sentence, as amended by PL 1973, c. 571, § 42, is further amended to read:

Upon receipt of the application it shall be the duty of the commissioner ~~of Educational and Cultural Services~~ to obtain full information regarding the merit of the institution to confer the degree or grant the associate degree.

Sec. 51. 20 MRSA § 2210, 1st sentence, as reenacted by PL 1977, c. 579, Section H, § 1, is amended to read:

An Indian Scholarship Committee set up by the Department of Educational ~~and Cultural~~ Services shall, at its discretion, approve all grants under this chapter.

Sec. 52. 20 MRSA § 2242, 1st ¶, as amended by PL 1971, c. 610, § 22, is further amended to read:

There is created a State Osteopathic Loan Fund which shall be used by the Commissioner of Educational ~~and Cultural~~ Services as a nonlapsing, revolving fund for carrying out this chapter. The fund shall initially be in the sum of \$40,000.

Sec. 53. 20 MRSA § 2243, 1st ¶, as amended by PL 1971, c. 610, § 22, is further amended to read:

An applicant shall be eligible for a loan under this chapter when the Commissioner of Educational ~~and Cultural~~ Services, after consultation with the executive committee of the Maine Osteopathic Association, finds:

Sec. 54. 20 MRSA § 2244, 1st and 2nd ¶¶, as amended by PL 1973, c. 571, § 72, are further amended to read:

Each student shall enter into an agreement with the commissioner ~~of Educational and Cultural Services~~ that after the completion of his internship or residency he will enter upon the practice of osteopathic medicine in this State and continue in such practice for a period of one year for each \$2,000 of loan granted and utilized. Such loan shall be granted to the applicant with no interest or principal payments for the years that he attends the osteopathic college or university and one year thereafter.

If a recipient of a loan provided ~~herein in this chapter~~ fails to perform his agreement with the commissioner ~~of Educational and Cultural Services~~ for reasons other than death, he shall immediately be liable to the State for all loan payments he shall have received plus interest on each payment at the rate of 6% per year compounded semiannually. Loans shall be repaid within 12 years of graduation at the rate of 6%.

Sec. 55. 20 MRSA § 2272, last ¶, as enacted by PL 1977, c. 335, ¶ 3, is amended to read:

Final determination of residency, for purposes of this chapter, shall be made under rules promulgated by the Commissioner of Educational ~~and Cultural~~ Services, criteria for such rules to include, but not be limited to, length of residence, secondary school attended, legal residence of parent, voting registration and place where taxes are paid.

Sec. 56. 20 MRSA § 2274, as last amended by PL 1977, c. 335, § 5, is further amended to read:

§ 2274. Commissioner to secure state contract student positions

The Commissioner of Educational ~~and Cultural~~ Services shall directly, or through the New England Board of Higher Education, negotiate with educational institutions to secure positions for state contract students in the fields of allopathic and osteopathic medicine, dentistry, optometry and veterinary medicine to the extent funds are appropriated and authorized.

Sec. 57. 20 MRSA § 2275, as enacted by PL 1975, c. 769, § 1, is amended to read:

§ 2275. Contractual agreement

The commissioner ~~of Educational and Cultural Services~~ shall prepare contractual agreements between the State and each state contract student, which agreement shall set forth the terms and conditions set forth in section 2273 and each state contract student falling within the purview of section 2273 shall be required to execute such an agreement prior to commencing such professional education. This agreement shall be in a form approved by the Attorney General. The commissioner ~~of Educational and Cultural Services~~ is authorized to execute such agreements on behalf of the State.

Sec. 58. 20 MRSA § 2276, as enacted by PL 1977, c. 335, § 6, is amended to read:

§ 2276. Purchase of positions at medical schools

For the academic year 1977-78, the Department of Educational ~~and Cultural~~ Services is authorized to expend the money appropriated by the Legislature for the purchase of positions at accredited medical schools, up to the amount necessary to purchase up to 20 positions each year, to a total of 80, at the University of Vermont College of Medicine and the same at Tufts University School of Medicine; up to 10 positions each year, to a total of 25, at Tufts School of Dental Medicine; and up to 4 positions each year, to a total of 16, at the University of Pennsylvania School of Veterinary Medicine, the New York State College of Veterinary Medicine at Cornell University or other accredited school of veterinary medicine; and 4 positions at New England College of Optometry or other accredited school.

For the academic year 1978-79, the Department of Educational ~~and Cultural~~ Services is authorized to expend the money appropriated by the Legislature for the purchase of positions at accredited osteopathic medical schools, up to the amount necessary to purchase up to 10 positions each year, to a total of 40, at the New England College of Osteopathic Medicine.

Sec. 59. 20 MRSA § 2277, as enacted by PL 1977, c. 335, § 6, is amended to read:
§ 2277. In-state clinical education programs

The Department of Educational ~~and Cultural~~ Services is directed to work with Maine public and private post-secondary institutions, teaching hospitals, health professional associations, other appropriate health care institutions and the contract schools in developing a program to expand clinical education programs for contract students in Maine institutions, consistent with the intent of this chapter to encourage such Maine students to return to the State to practice.

Sec. 60. 20 MRSA § 2311, 1st sentence, as enacted by PL 1973, c. 635, § 1, is amended to read:

A fund is hereby appropriated to the Department of Educational ~~and Cultural~~ Services to establish a State Tuition Equalization Fund to be distributed to Maine high school graduates who are attending as full-time undergraduates, eligible Maine private institutions of higher education, under regulations promulgated by the Commissioner of Educational ~~and Cultural~~ Services.

Sec. 61. 20 MRSA § 2356-G, sub-§ 4, 4th ¶, last sentence, as repealed and replaced by PL 1977, c. 205, § 11, is amended to read:

The cooperative agreement and any amendments thereto shall be on file with the Commissioner of Educational ~~and Cultural~~ Services.

Sec. 62. 20 MRSA § 2371, sub-§ 2, last sentence, as enacted by PL 1977, c. 538, § 1, is amended to read:

If the U. S. Commissioner of Education does not publish such regulations, guidelines and procedures, the Maine Department of Educational ~~and Cultural~~ Services shall promulgate state regulations, guidelines and procedures to be used in determining "actual cost-of-attendance" for the purposes of the Maine Student Incentive Scholarship Program.

Sec. 63. 20 MRSA § 2371, sub-§ 3, as enacted by PL 1977, c. 538, § 1, is amended to read:

3. Department. "Department" shall mean the Department of Educational ~~and Cultural~~ Services.

Sec. 64. 20 MRSA § 2372, sub-§ 1, 1st sentence, as enacted by PL 1977, c. 538, § 1, is amended to read:

There is established a program, to be administered by the department ~~of Educational and Cultural Services~~, of state student incentive scholarships to residents of the State of Maine who:

Sec. 65. 20 MRSA § 2661, 1st ¶, as amended by PL 1975, c. 547, § 5, is further amended to read:

Any person, partnership or institution or corporation operating or maintaining a private business, trade, vocational or technical school in Maine, except schools of hairdressing and beauty culture required to be approved by the State Board of Cosmetology, schools of barbering required to be approved by the State Board of Barbers, schools offering educational programs to prepare students for the real estate profession and required to be approved by the Board of Real Estate Brokers and Salesmen, and an institution authorized by law to grant a degree, shall register the institution with the Commissioner of Educational ~~and Cultural Services~~ on forms prepared for this purpose, and prior to operation obtain a permit from the commissioner ~~of Educational and Cultural Services~~.

Sec. 66. 20 MRSA § 2803, as last amended by PL 1975, c. 771, § 188, is further amended to read:

§ 2803. Board established

Of the 8 members who shall represent the State of Maine, one shall be the Chancellor of the University of Maine ex officio in office at the time being and one shall be the Commissioner of Educational ~~and Cultural Services~~ ex officio in office at the time being, 4 shall be named by the Governor for 2-year terms, one shall be a member of the Senate appointed by the President of the Senate and one shall be a member of the House of Representatives appointed by the Speaker of the House. All members shall receive their actual expenses incurred in the performance of their official duties.

Sec. 67. 20 MRSA § 2923, as last amended by PL 1971, c. 610, § 22, is further amended to read:

§ 2923. Bylaws filed

Pursuant to Article III, the commission shall file a copy of its bylaws and any amendment thereto with the office of the Commissioner of Educational ~~and Cultural Services~~.

Sec. 68. 20 MRSA § 3122, sub-§ 3, last sentence, as enacted by PL 1975, c. 732, § 2, is amended to read:

The head of such institution shall make application for such attendance to the superintendent of the administrative unit involved, under the same conditions as apply to regular pupils residing in such administrative unit and in accordance with guidelines and regulations of the Department of Educational ~~and Cultural~~ Services relating to special education.

Sec. 69. 20 MRSA § 3122, sub-§ 4, 3rd sentence, as enacted by PL 1975, c. 732, § 2, is amended to read:

The government of the school is vested in the Department of Educational ~~and Cultural~~ Services, which shall have charge of the general interests of the school and shall see that its affairs are conducted in accordance with the law.

Sec. 70. 20 MRSA § 3122, sub-§ 4, 3rd ¶, as enacted by PL 1975, c. 732, § 2, is amended to read:

The superintendent of the administrative unit in which such child resides, with the consent of the child's parent or legal guardian may enroll such child in the Governor Baxter School for the Deaf and the sums necessary for the support of such child while attending the school shall be paid by the Department of Educational ~~and Cultural~~ Services in accordance with its guidelines and regulations.

Sec. 71. 20 MRSA § 3131, sub-§ 3, last sentence, as repealed and replaced by PL 1975, c. 732, § 2, is amended to read:

The Department of Educational ~~and Cultural~~ Services is designated as the agency for cooperation with the Federal Government in any program for the education of exceptional children.

Sec. 72. 20 MRSA § 3459, 3rd ¶, as last amended by PL 1975, c. 272, § 10, is further amended to read:

On any eligible project heretofore or hereafter approved by the Commissioner of Educational ~~and Cultural~~ Services, a School Administrative District to which this section is applicable shall be reimbursed the eligible amount of its major capital outlay expenditure upon filing the necessary reports with the commissioner and submitting proof that the project has been completed in accordance with approved plans, provided that the amount of such reimbursement shall not be less than the percentage of the actual major capital outlay expenditure for the project applicable to the district at the time the voters of the district authorized the school directors to borrow in anticipation of state aid for school construction.

Sec. 73. 20 MRSA § 3459, 4th ¶, 4th sentence, as amended by PL 1971, c. 610, § 22, is further amended to read:

The first installment of such bonds or notes shall be payable not later than 2 years after the date of issue and the last installment shall be payable not later than 25 years from such date, provided, that the maturity schedule for such bonds or notes shall first be approved by the commissioner of ~~Educational and Cultural Services~~.

Sec. 74. 20 MRSA § 3460, 2nd blocked ¶ of the 4th ¶, 1st sentence, as amended by PL 1971, c. 610, § 21, is further amended to read:

The eligible unit shall submit to the commissioner of ~~Educational and Cultural Services~~ a schedule showing estimates of monthly cash disbursements to be made by the unit for project expenditures.

Sec. 75. 20 MRSA § 3471, sub-§ 2, ¶ I, as enacted by PL 1977, c. 563, § 7, is amended to read:

I. The Department of ~~Educational and Cultural Services~~ and the Bureau of Public Improvements shall not approve the plans and specifications of any project which does not meet the requirements of Title 5, chapter 153, subchapter I-A.

Sec. 76. 20 MRSA § 3481, 1st sentence, as enacted by PL 1977, c. 447, § 1, is amended to read:

If it appears to the Commissioner of ~~Educational and Cultural Services~~ that an administrative unit has failed to maintain a school facility which protects the health, welfare and safety of the persons utilizing the facility, he may cause an inspection to be made and shall notify the administrative unit of his findings and of any changes to be made.

Sec. 77. 20 MRSA § 3483, sub-§ 1, as enacted by PL 1977, c. 447, § 1, is amended to read:

1. Approval of plans and specifications. The plans and specifications of a school construction project prepared by a building committee shall include suitable provision for the health, welfare and safety of the persons who will utilize the project. The plans and specifications shall be approved by the Department of Finance and Administration, Bureau of Public Improvements; Department of ~~Educational and Cultural Services~~; Department of Human Services; Department of Public Safety and the Department of Environmental Protection before they may be accepted by the administrative unit's governing body. Any changes in the plans and specifications must be approved by the Department of ~~Educational and Cultural Services~~.

Sec. 78. 20 MRSA § 3561, 4th ¶, 4th and 6th sentences, as enacted by PL 1975, c. 510, § 29, are amended to read:

The commissioner of ~~Educational and Cultural Services~~ shall have the

responsibility of approving or disapproving all school bus purchases, contracts and leases.

Total expenditures for purchases of school buses used in transportation of elementary and secondary students approved by the commissioner of ~~Educational and Cultural Services~~ during any single year shall not exceed \$3,000,000.

Sec. 79. 20 MRSA § 3753, 2nd sentence, as enacted by PL 1975, c. 673, is amended to read:

The municipal officers, school directors, trustees or other governing board exercising like functions in each administrative unit shall require the sums as may be necessary to meet in full the principal of and interest on these bonds, notes or other evidences of indebtedness payable in each year to be assessed and collected in the manner provided by law for the assessment and collection of taxes, provided that the sums to be so assessed and collected shall be reduced by the amount of any allocation of funds appropriated by the Legislature and to become available to the unit to pay the principal and interest in the year as shall be certified to the unit by the Commissioner of ~~Educational and Cultural Services~~ on or before April 1st.

Sec. 80. 27 MRSA, 1st 3 lines, are repealed and the following enacted in their place:

**TITLE 27
CULTURAL RESOURCES**

Sec. 81. 27 MRSA cc. 1 - 17, as amended, are repealed.

Sec. 82. 27 MRSA cc. 101 - 125 are enacted to read:

**CHAPTER 101
GENERAL PROVISIONS**

§ 1001. Definitions

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

1. **Commissioner.** "Commissioner" means the Commissioner of Cultural Resources.
2. **Department.** "Department" means the Department of Cultural Resources.

CHAPTER 103

ESTABLISHMENT OF DEPARTMENT OF CULTURAL RESOURCES

§ 1101. 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 subsection 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 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 chapter 105.

3. **Makeup of department.** The department shall consist of the commissioner, the Maine State Cultural Resources Commission and the following divisions:

A. The State Museum Bureau which shall be under the direction of a director who shall be qualified by training or by experience in museum work and shall be appointed by the commissioner, with the approval of the Maine State Cultural Resource Commission, to serve for an indefinite term, subject to removal for cause. The compensation of the director shall be fixed by the Governor;

B. The Arts and Humanities Bureau which shall be under the direction of a director who shall be qualified by training or by experience and shall be appointed by the commissioner, with the approval of the Maine State Cultural Resources Commission, to serve for an indefinite term, subject to removal for cause. The compensation of the director shall be fixed by the Governor;

C. The Maine State Library Bureau, which shall be known as the Maine State Library and which shall be under the direction of a director who shall be qualified by training or experience in library work and who shall be known as the State Librarian, appointed by the commissioner, with the approval of the Maine State Cultural Resources Commission, to serve for an indefinite term, subject to removal for cause. The compensation of the director shall be fixed by the Governor;

D. The Maine Historic Preservation Commission which shall have that membership set out in chapter 125; and

E. Any other bureaus, divisions or agencies which the commissioner may deem necessary to fulfill the duties of the department.

4. Location. The department and its bureaus, commissions and agencies shall be located in the Cultural Building, within the Museum-Library Complex.

§ 1102. Duties and authority of the commissioner

The commissioner shall be the chief administrative officer of the department and shall be responsible to the Maine State Cultural Resources Commission. In addition to those duties set out elsewhere in this Title, he shall have the duties and authority to:

1. Budget. Prepare the budget for the department;
2. Communication. Maintain active and open channels of communication among the bureaus, divisions and agencies of the department;
3. Personnel. Transfer personnel within the department to insure the efficient utilization of department personnel;
4. Purchases. Coordinate the purchase and use of all department equipment;
5. Policy coordination. Maintain coordinated policies throughout the department; and
6. Recommendations of change. Act as the primary contact between the department and the Governor and legislative branch and recommend to the Governor and the 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, divisions and agencies within the department.

§ 1103. Bureau and commission directors; duties

In addition to those duties set out in this Title, each bureau director or director of a commission shall have the duties and authority to:

1. Procedures. Establish organizational and operational procedures within the bureau or commission;
2. Administration of laws. Administer the laws and regulations assigned to that bureau or commission;
3. Staff. Appoint, subject to the Personnel Law, all staff of that bureau or commission;

4. **Staff functions.** Supervise and control all staff functions within the bureau or commission; and

5. **Federal agencies and funds.** Cooperate with appropriate federal agencies and, subject to the provisions of state law, administer federal funds in support of programs within the bureau or commission.

§ 1104. Advisory boards

1. **Appointment; composition.** Each bureau and commission shall have an advisory board appointed by the bureau director or the director of the commission subject to approval by the Maine State Cultural Resources Commission. Each board shall be composed of not more than 12 members of known experience and competence in the area of cultural resources served by the bureau or commission to which the board is attached. Each board shall elect a chairman from among its members and shall promulgate procedural bylaws.

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

3. **Duties of board.** Each advisory board shall counsel and assist its bureau director or director or its commission in programing, planning and appertaining activities. Advisory boards whose bureaus or commissions participate in federal or state public grants programs shall have final jurisdiction over those grants, except wherein otherwise provided for by federal laws and regulations.

4. **Compensation.** The members of advisory boards shall serve without compensation, but shall be reimbursed for any expenses incurred in the performance of their duties as department regulations shall provide.

CHAPTER 105

MAINE STATE CULTURAL RESOURCES COMMISSION

§ 2001. Cultural Resources Commission

1. **Establishment.** There is established a Maine State Cultural Resources Commission, hereinafter in this chapter called the "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. Each of the cultural areas shall be continuously represented on the commission. 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 State Museum Commission immediately prior to its abolition; and

C. Two persons who were members of the Maine Library Commission immediately prior to its abolition.

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

4. Limitation on terms. Appointed members who have served 2 consecutive 5-year terms shall not be eligible for reappointment to a 3rd consecutive term.

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

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

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

§ 2202. Duties of the commission.

The commission shall have the duties and authority to:

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

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

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

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

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 107
MAINE STATE LIBRARY
SUBCHAPTER I
STATE LIBRARIAN

§ 2101. Salary; duties

The Maine State Library shall be under the management and supervision of a State Librarian, as heretofore appointed, who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents.

The librarian may employ, subject to the Personnel Law and the approval of the commissioner, a deputy state librarian and such assistants as the business of the office may require.

§ 2102. Contents; exchange

There shall be procured and kept in the Maine State Library histories of all countries; histories of this State, its counties and towns; family histories; works on the arts and sciences with special reference to agriculture, forestry, fishing, manufacturers, shipbuilding and road making; maps, charts, plans and manuscripts, statistical and other publication relating to the financial, social, religious and educational condition of the world and more especially to this State, as fast as means are furnished by the State therefor; full and complete sets of all the documents printed by the State; and full and complete sets of the reports of the towns, cities and counties of this State. For the purpose of carrying out this section, the library may conduct a system of exchanges with other libraries and institutions of learning.

§ 2103. Book lent

Under such rules and regulations as the State Librarian may prescribe, books and documents may be lent to any responsible resident of the State. Those rules and regulations may include the charge for overdue books and documents.

§ 2104. Responsibility for books borrowed

Any person or organization receiving the loan of any books, documents or other material from the Maine State Library shall be responsible for the full value thereof to the librarian, and in case of the loss or of damage to a volume belonging to a set, shall procure a new volume or be responsible for the value of the set. If any person or organization shall neglect or fail to return any books, documents or other material lent to them, or shall return the same in an injured or mutilated condition, after due demand and notice, the librarian may maintain a civil action

against that person or organization for the full value thereof. Actions to enforce the liability mentioned in this section may be brought by the librarian in his own name in behalf of the State, and in case of his death or removal, the action shall be prosecuted by his successor.

§ 2105. Annual report

The State Librarian 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 purchases, donation and exchange and shall make in that report suggestions in relation to the improvement of the library.

§ 2106. Reports from counties, cities and towns

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

SUBCHAPTER II
OPERATION AND SERVICES

§ 2151. Library hours

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

§ 2152. Historical research

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

§ 2153. Library development

The State Librarian shall maintain a library development section which shall carry on such activities as are enumerated in sections 2154 and 2155.

§ 2154. Advice to local libraries; gifts; schools of library instruction

The Maine State Library shall give advice to all school, state, institutional and public libraries, and to all communities in the State which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books and other details of library management, and may send its employees to aid in organizing these libraries or assist in the

improvement of those already established. It shall formulate and present to the Legislature through the commissioner a plan for state-wide library development and it shall be designated as the agency for the administration of that plan and shall be granted the authority to administer that plan on behalf of the State. It may receive gifts of money, books or other property which may used or held in trust for the purpose or purposes given. It may publish lists and circulars of information and may cooperate with the libraries and commissions of other states in the publication of documents in order to secure the most economical administration of its work. It may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the State, and cooperate with others in those schools or institutes. It shall perform such other library service as it may consider for the best interests of the citizens of the State.

§ 2155. Bookmobile service

In furtherance of, and in addition to, the powers given in section 2154, the State Librarian is authorized and empowered to provide bookmobile service for residents of the State.

§ 2156. Compliance with federal law

The State Librarian, with the approval of the Governor, may make any regulations necessary to enable the State to comply with any law of the United States, heretofore or hereafter enacted, intended to promote public library services. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for general public library services.

§ 2157. Reports of departments and institutions

The State Librarian shall distribute reports of the departments and institutions of the State and other books and documents published or purchased by the State and other books and documents published or purchased by the State in such manner as the law may direct. He may transmit one copy of each published report of each department of the State government to each library in the State and to the libraries of other states and territories, and make such other and further distribution as in his judgment seems proper. He shall maintain a document room in which shall be stored all department reports and other publications of the State intended for distribution and shall keep an accurate account of all books and documents received.

§ 2158. Purchase and distribution of Maine histories

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

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

3. **Surplus.** The State Librarian may sell copies of each history that are not distributed under subsection 2. The State Librarian shall fix the price of sale at the retail price of the history. The Maine State Museum may sell these copies through its museum sales program, provided that the proceeds from the sale of these town histories shall not be used as required under section 2607, and the complimentary publications required by that section shall not be required. All proceeds from the sales of these town histories shall be used to pay the costs of the distribution required under subsection 2, and any proceeds beyond these costs shall be used to meet the costs of purchase under subsection I.

CHAPTER 109

PUBLIC LIBRARIES

§ 2201. Free public libraries established in towns

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

§2202. Free public libraries established in village corporations

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

§ 2203. Free use of library in adjoining towns authorized

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

§ 2204. Towns uniting for libraries

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

§ 2205. State aid for municipalities maintaining free public libraries

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

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

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

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

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

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

§ 2206. Libraries controlled by associations assisted by towns

Any town or city in which there is a library owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from the library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books. The library shall then be considered a free public library within the meaning of this chapter and the town or city shall be entitled to the benefits of section 2205.

§ 2207. Custody of public documents; list of books purchased

The officers of every free public library, on or before the first day of May of each year, shall send to the librarian of the Maine State Library a report

containing a list of all books and documents purchased with the state stipend for the preceding year. The aid from the State, provided by section 2205, shall be withheld from any city, town or village corporation until the report required to be made shall have been received by the librarian of the Maine State Library; and the same shall be withheld unless the report shall show that the laws and Maine Reports furnished by the State are kept constantly in the library for the free use and benefit of all the citizens.

§ 2208. Donation of books and gifts for foundation of library

Whenever a municipality shall purchase books to aid in the establishment of a free public library, the State Librarian shall make a gift of money or new books to the library; the gift to equal 50% of the value of the books purchased by the municipality for that purpose, and in no instance to exceed \$100.

§ 2209. Gifts and devises to towns

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

CHAPTER 111

REGIONAL LIBRARY SYSTEMS

§ 2301. Definitions

In this chapter, unless the context clearly requires a different meaning, the following words 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 State Librarian and receiving state aid for the purpose of making its resources and services available without charge to all residents of the district, of providing supplementary 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 borrowing and returning books and other materials from any library that participates in the regional system.

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

4. District council. "District council" means an advisory body serving as a policy-making authority for a constituency of participating libraries within a geographical district.

5. 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.

6. Library district. "Library district" means a defined geographic area consisting of local libraries joined cooperatively to an area reference and resource center and a research center. Local libraries within the district may also be joined cooperatively with other types of libraries.

7. 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.

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

9. 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. A public library serves the informational, educational and recreational needs of all the residents of the area for which its governing body is responsible.

10. 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.

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

§ 2302. Library districts

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

§ 2303. District council

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

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

2. **Duties.** The district council shall:

- A. Serve as 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 State Librarian who 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; and
- F. Advise on the selection of an area reference and resource center and a research center for the district.

§ 2304. 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 State Librarian.

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

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

E. Such other cooperative activities and services as member libraries may need or require.

§ 2305. Research centers

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

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; and

C. provide such other cooperative activities and services as member libraries may need or require.

§ 2306. District consultants

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

1. Duties. The district consultant shall 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;

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 interlibrary loan service; and

G. Help evolve a district plan of service.

§ 2307. School libraries and media center

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

§ 2308. Distribution of appropriations

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

CHAPTER 113**INTERSTATE LIBRARY COMPACT****SUBCHAPTER I****COMPACT****§ 2401. 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 those 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.

§ 2402. 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 nongovernmental entity which operates or assumes a legal obligation to operate a library.

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

§ 2403. 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, that 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 that 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, that district shall have power to do any one or more of the following in accordance with that 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 that personnel;

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

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

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

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

§ 2404. — governing board — Article IV

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

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

§ 2405. State library agency cooperation — Article V

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

§ 2406. 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; and
- D. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

2. **Prohibited powers.** No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to that 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.

§ 2407. **Approval of library agreements — Article VII**

1. **Approval of attorney general.** Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

2. **Approved by others.** In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the State Government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having that 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.

§ 2408. **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 that trust.

§ 2409. **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 that public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

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

§ 2410. Compact administrator — Article X

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

§ 2411. 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 that 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 that state has given notice to each other party state of the repeal thereof. That 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.

§ 2412. 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

§ 2451. 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.

§ 2452. 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 those municipalities relating to or governing capital outlays and the pledging of credit.

§ 2453. State library agency

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

§ 2454. 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 those functions are eligible for support when carried on by entities wholly within this State. For the purposes of computing and apportioning state aid to an interstate library district, this State will consider what portion of the area which lies within this State as an independent entity for the performance of the aided function or functions and compute and apportion the aid accordingly. Subject to any applicable laws of this State, such a district may apply for and be entitled to receive any federal aid for which it may be eligible.

§ 2455. Compact administrator

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

§ 2456. 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 115
COUNTY LAW LIBRARIES

§ 2501. 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. The notification required, if posted in some conspicuous part of the courthouse 7 days previous to their meeting, is sufficient. 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 and treasurer, to be sworn and hold their offices during the pleasure of the corporation. They may make all necessary and lawful regulations. At their meetings, the oldest member present shall preside.

§ 2502. 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.

§ 2503. Accounts of treasurer

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

§ 2504. Payments for use and benefit

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:

Androscoggin, \$9,500;

Aroostook, \$5,600 shall be for the use and benefit of the county law library in the court house at Houlton and \$3,000 shall be for the use and benefit of the county law library in the court house at Caribou in that county;

Cumberland, \$10,000 which shall be paid to the treasurer of the Cumberland Bar Association for the Nathan and Henry B. Cleaves Law Library;

Franklin, \$5,000;

Hancock, \$7,000;

Kennebec, \$6,000;

Knox, \$3,500;

Lincoln, \$4,500;

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

Penobscot, \$10,000;

Piscataquis, \$3,500;

Sagadahoc, \$4,250;

Somerset, \$6,500;

Waldo, \$3,500;

Washington, \$3,800; and

York, \$5,000.

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.

The treasurer of each Law Library Association shall account to the Treasurer of State for all receipts and disbursements made under this section. All the receipts and disbursements shall be subject to audit.

CHAPTER 117

MAINE STATE MUSEUM

§ 2601. 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.

§ 2602. Powers and duties of Museum Director

The Museum Director shall have the powers and duties established under the following provisions governing the administration and operation of the Maine State Museum activities:

Administrative Provisions

1. **Duties prescribed.** To perform the duties which are prescribed for him by the commissioner;
2. **Administration.** To administer the office of Museum Director. In exercising his administration, the Museum Director shall promulgate operating policies, establish organizational and operational procedures, and exercise supervision of museum activities. He shall employ, subject to the Personnel Law and the approval of the commissioner, such assistants as may be necessary to carry out the purposes of this chapter. The Museum Director shall adopt a seal for use in the official business of the museum;
3. **Rules and regulations.** To promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter. No unreasonable restrictions or limitations shall be imposed on the use of museum records or objects that are defined by law as records or objects open to public inspection;
4. **Acceptance of gifts and bequests.** To accept gifts, bequests and endowments 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;
5. **Publication.** To publish museum materials, reports, bulletins and other publications which will promote the purposes of this chapter;
6. **Biennial report.** To report biennially through the commissioner to the Governor and Legislature facts and recommendations relating to the work and needs of his office;

Operational Provisions

1. **General.** To carry out the policies and directives of the commissioner;
2. **Collection.** To institute and maintain a program of systematic collection in the several fields of museum activity with particular emphasis on those fields relating to the State of Maine;
3. **Preservation and restoration.** To preserve, identify, catalogue, document and safeguard the collections of the museum;

4. **Research and publications.** To carry on research to increase knowledge in the several fields of museum activity and provide interpretive and information services, including the dissemination and recording of information gathered through reasearch;

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

6. **Exhibitions.** To exhibit the collections of the museum including permanent and temporary exhibits and provide a loan service for films, artifacts, specimens and other exhibits of the museum to those persons, groups and schools and under such terms and conditions as determined by the director; and

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

§ 2603. Acquisition, ownership and disposition of property

1. **Acquisition.** The Maine State Museum 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 museum 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 Maine State Museum any article thereof, or part of same, without authority of law.

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

§ 2604. Historical materials

The Maine State Museum 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 or Maine 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. The 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 herein which are directly connected with areas under the jurisdiction of the State Parks and Recreation Commission shall be exempt from this section.

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

§ 2605. Assistance from other state agencies

The heads of the various state departments, agencies and institutions are authorized to consult with the Maine State Museum upon request concerning any aspect of museum operations. The Arts and Humanities Bureau shall furnish the Maine State Museum with such assistance as necessary to administer section 2604.

§ 2606. federal funds

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

§ 2607. Publication fund

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

2. Price 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 museum shall receive without charge 15 of all the publications for complimentary distribution.

3. Certain materials. The director is authorized to purchase, establish the price and sell through the museum sales program pertinent handcraft, educational or publication materials procured from outside sources. Proceeds from the sales shall be utilized to restock materials for resale and support of 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.

2608. Conservation fund

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

2. **Prices and rates.** The director is authorized to establish these 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.

**CHAPTER 119
STATE HISTORIAN**

§ 2701. Appointments; duties

A State Historian, as heretofore appointed, shall be appointed by the Governor. He shall be a member of the Maine Historical Society and it shall be his duty to compile historical data of the State and encourage the teaching of the history of the State in the public schools. He shall encourage the compiling and publishing of town histories, combined with local geography. He shall examine and, when he decides that the material is suitable, approve histories of towns compiled as provided in section 2702.

§ 2702. Publication of town history

Whenever any town shall present to the State Historian material which he considers suitable for publication as a history of the town presenting the same, he may approve the publication of a history with the local geography which will be suitable for use in the grammar and high school grades of the public schools.

§ 2703. Board to compile history

The superintending school committee and the superintendent of schools, with some citizen of the town to be elected by them, shall constitute a board to compile a history and the local geography of the town in which they reside. Two or more towns may unite in compiling and publishing a history and the local geography of the towns forming the union. The superintendent of schools shall forward 2 copies of that history to the Maine State Library and notify the superintendent of public schools of the title of that history.

§ 2704. State aid for towns publishing history

Whenever material for a town history with local geography has been approved by the State Historian and the same has been published by the town or by a union of towns, and provision has been made for its regular use in the public schools of that town, the Treasurer of State shall pay the town so publishing a sum not exceeding \$150. The State shall not pay to any town more than $\frac{1}{2}$ of the amount paid by that town for printing and binding the history thereof.

§ 2705. Marking of historical sites

The marking of historical sites, as authorized by the Legislature, shall be under the direction of the State Historian.

§ 2706. Names for memorial bridges and highways

The State Historian shall submit to the Legislature the names of persons or subjects whenever any legislation is pending to designate any highway or bridge as a memorial.

§ 2707. Expenses

The actual cash expenses of the State Historian incurred while in the discharge of his official duties, including any sum necessarily contracted by him for clerical assistance, shall be paid from the State Treasury but shall not exceed \$500 a year. Any portion of the amount may be expended by the State Historian, under the direction of the Governor, in the publication of historical matter and data relating to the history of the State. The appropriation so made available shall constitute a continuous carrying account and any balance of same shall be carried forward and be credited to the appropriation for the same purpose for the succeeding year.

CHAPTER 121**THE ARTS AND THE HUMANITIES BUREAU****§ 2801. Duties**

The Arts and Humanities Bureau, hereinafter in this chapter called the bureau, shall:

1. Encouragement. Take such steps as may be necessary and appropriate to encourage and stimulate public interest and participation in the cultural heritage and programs of our State and to expand the state's cultural resources;
2. Freedom. Encourage and assist freedom of artistic expression essential for the well-being of the arts;
3. Surveys. Make such surveys as may be deemed advisable of public and private institutions engaged within the State in artistic and cultural activities,

including, but not limited to, music, theatre, dance, painting, sculpture, architecture, literature, history and allied studies and pursuits, and to make recommendations concerning appropriate methods of encouraging participation in and appreciation of the foregoing to meet the legitimate needs and aspirations of persons in all parts of the State; and

4. Works of art. Act in an advisory capacity relative to the creation, acquisition, construction or erection by the State of any work of art, file with the Governor, within 30 days, its opinion of the proposed work of art together with such suggestions and recommendations as it may deem proper. The term "work of art" as used in this subsection shall include any painting, portrait, mural, decoration, stained glass, statute, 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.

§ 2802. Hearings; contracts

The bureau is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available therefor, with individuals, or organizations, and institutions for services furthering the educational objectives of the programs; to enter into contracts, within the limit of funds available therefor, with local and regional associations for cooperative endeavors furthering the educational objectives of the bureau's programs; to accept 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 perform any acts that may be necessary to carry out the purposes of this chapter. The bureau may request and shall receive from any department, division, board, bureau, commission or agency of the State such assistance and data as will enable it properly to carry out its powers and duties.

§ 2803. Funds

The bureau, through its director, is the official agency of the State to receive and disburse any funds made available by the Federal Government for programs related to the purpose of the bureau.

§ 2804. Reports

The director of the Arts and Humanities Bureau, through the commissioner, shall make a report to the Governor and the Legislature within 10 calendar days after the commencement of each regular session of the State Legislature.

CHAPTER 123**ARCHAEOLOGY****SUBCHAPTER I****ARCHAEOLOGICAL EXCAVATIONS****§ 2901. 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 the activity and the location of the activity to the Bureau of Parks and Recreation.

SUBCHAPTER II**STATE—OWNED OBJECTS AND SPECIMENS****§ 2951. 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 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 single state department be designated to hold title, as trustee for the State, to all those artifacts, specimens and materials. The Maine State Museum is best qualified to assume the 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.

§ 2952. Legislative intent

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.

The State designates the Maine State Museum 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 Maine State Museum with the responsibility of protecting, preserving and interpreting those objects and specimens which may be placed under its trusteeship; preventing the defacement, damage, destruction or unauthorized removal of those objects and specimens; and insuring the continued availability of those objects and specimens for scientific study by qualified persons, agencies or institutions.

§ 2953. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. **Authorized representative.** “Authorized representative” means any official or group of officials employed by the State; or other competent person authorized in writing by the permittors.

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.

3. **Object “Object”** means any archaeological monument, artifact, relic or article.

4. **Permittors.** “Permittors” means the Museum Director of the Maine State Museum and Director of the Maine Historic Preservation Commission, 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. The state-controlled land includes, but is not restricted to, state parks, state recreation areas, wilderness and wildlife preserves, navigable bodies of inland, estuarine or coastal water and highway rights-of-way or other easements.

§ 2954. Legislative provisions

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 that authorization to the Maine State Museum not less than 10 days prior to the proposed time of removal or excavation. 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 disaster. 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. 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. 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. 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.

In order to minimize damages 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 that 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.

The permitors 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.

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 permitors.

The permitors, or their authorized representatives, may revoke or suspend a permit if there is evidence to indicate that the permittee has violated or exceeded the limitations of 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.

Defacement, damage, destruction, displacement or unauthorized removal of artifacts, materials or sites on, in or beneath state-controlled lands shall be prohibited, and shall be punishable by a fine of not more than \$500 for each item so defaced, damaged, destroyed, displaced or removed without authorization.

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 those artifacts and materials shall rest with the Maine State Museum as trustee for the State. Custody of those artifacts or materials shall not be transferred by sale, gift, trade, bequest or in any other manner without the written consent of the Museum Director of the Maine State Museum. The designated custodian, where applicable, of those artifacts or materials shall, insofar as practicable, guard and protect those artifacts and materials against loss, theft, destruction, damage or deterioration, and shall make them available for reasonably convenient study by qualified persons, agencies and institutions. Physical possession of those artifacts and materials shall revert to the State Museum if the designated custodian ceases to exist, or if the permittees concur in the opinion that the designated custodian is not properly caring for those artifacts or materials or is not keeping them available for reasonably convenient study by qualified persons, agencies and institutions.

The several departments of the State and their authorized representatives, though exempt from the permit requirements of this subchapter, shall advise 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 Maine State Museum 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.

CHAPTER 125

MAINE HISTORIC PRESERVATION COMMISSION

§ 3001. Declaration of policy

The Legislature declares it is the policy of the State that in order to preserve the architectural, historical and environmental heritage of the people of the State, and to develop and promote the cultural, educational and economic benefits of these resources, there is established the Maine Historic Preservation Commission.

§ 3002. Commission

There is created and established a state commission within the department to be known as the "Maine Historic Preservation Commission" to consist of not less than 12 nor more than 15 members made up as follows: Director or representative of the Arts and Humanities Bureau, chairman or representative of the Department of Transportation, director or representative of the Maine State Museum, director or representative of the Bureau of State Parks and Recreation, director or representative of the State Planning Office and director or representative of the Board of Environmental Protection to serve ex officio and a minimum of 7 representatives from among citizens of Maine, one of whom shall be elected chairman, who are known for their competence, experience and interest in this field, including at least one archaeologist, one historian and one architect, to be appointed by the Governor. In making these appointments, due consideration shall be given to the recommendations made by the representative professional, civic and educational associations and groups concerned with or engaged in the field of historic preservation.

§ 3003. Membership

The term of office of each member shall be 5 years; provided that of those members first appointed, 5 shall be appointed for terms of 2 years, 5 for 4 years and the remainder for 5 years. Their successors shall be appointed for 5 years. Each member shall serve for the term of his appointment and thereafter until his successor is appointed and qualified, but in no event more than 2 consecutive terms. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments.

Members shall serve without compensation but shall receive their necessary expenses.

§ 3004. Duties

The duties of the commission shall be:

1. Administration. To take those steps necessary and relevant to encourage and stimulate public interest and participation in the architectural and historic heritage of our State, provide liaison between the State and Federal Governments and public or private agencies or organizations interested in and 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 this commission;
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 for purposes consistent with the purposes of this commission. Any funds given as an endowment shall be invested by the Treasurer of State according to the laws governing investment of trust funds. All gifts, devises, bequests and proceeds of endowment funds shall be used solely to carry out the purposes for which they were made; provided that the commission shall not accept any gifts, devises or bequests without the consent of the Governor that will require the expenditure of any state, federal or federal-matching funds for its repairs, maintenance, preservation or operation;

5. Biennial report. To report, biennially, through the commissioner, to the Governor and Legislature facts and recommendations relating to the work and needs of this commission; and

6. Rules and regulations. To promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter.

§ 3005. Director

The Maine Historic Preservation Commission shall appoint a director who shall be qualified by special training or experience in the field of historic preservation. He shall serve at the will and pleasure of the commission and may be removed for cause. Compensation of the director shall be established by the commission, with the approval of the Governor. The powers and duties of the director shall be prescribed by the commission.

§ 3006. Hearings; contracts

The commission is authorized and empowered to hold public and private hearing related to the field of historic 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 commissioner'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 commission's programs; approve the acceptance or, when necessary, make initial approval and recommendations for acceptance to the 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 commission'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.

§ 3007. Assistance from other state agencies

The commission may request and shall receive from any department, division, board, bureau, commission or agency of the State such assistance and data as will

enable it properly to carry out its powers and duties.

§ 3008. Recommendations

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

§ 3009. Funds

The commission 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 commission.

§ 3010. Reports

The commission shall approve the report of the director to the Governor and the Legislature within 10 days after the commencement of each regular session of the Legislature.

Sec. 83. 30 MRSA § 4166, 9th sentence, as amended by PL 1973, c. 797, § 2, is further amended to read:

The Commissioner of Educational ~~and Cultural~~ Services shall file in the office of the State Controller a list of such plantations with the amount due for income for the preceding year according to a record of such amounts to be furnished to him by the Treasurer of State.

Sec. 84. 30 MRSA § 4166, 10th sentence, as amended by PL 1973, c. 571, § 67, is further amended to read:

The Commissioner of Educational ~~and Cultural~~ Services shall be satisfied that all such plantations are organized, and that schools have been established therein according to law, that assessors are sworn and qualified and that the treasurers of such plantations have given bonds as required by law.

Sec. 85. Transitional provisions. The Arts and Humanities Bureau within the Department of Cultural Resources shall be the successor to the Maine State Commission on the Arts and the Humanities and the Arts and Humanities Bureau within the Department of Educational and Cultural Services and shall have all the legal authority and duties presently delegated to those agencies, except as otherwise indicated in this Act.

The Maine Historic Preservation Commission within the Department of Cultural Resources shall be the successor to the Maine Historic Preservation Commission within the Department of Educational and Cultural Services and shall have all the legal authority and duties presently delegated to that commission, except as otherwise indicated in this Act.

The State Museum Bureau within the Department of Cultural Resources shall be the successor to the Maine State Museum Commission and the State Museum Bureau within the Department of Educational and Cultural Services and shall have all the legal authority and duties presently delegated to those agencies, except as otherwise indicated in this Act.

The Maine State Library Bureau within the Department of Cultural Resources shall be the successor to the Maine Library Commission, the State Librarian and the Maine State Library Bureau within the Department of Educational and Cultural Services and shall have all the legal authority and the duties presently delegated to those agencies and to the librarian, except as otherwise indicated in this Act.

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

Notwithstanding the provisions of Title 27, section 1103, the first director of the Maine State Library shall be that person who served as the State Librarian immediately prior to the effective date of this Act, if he shall agree to serve in that office. The first director of the Maine State Museum shall be that person who served as director of the State Museum Bureau immediately prior to the effective date of this Act, if he shall agree to serve in that office. The first director of the Arts and Humanities Bureau shall be that person who served as director of the Arts and Humanities Bureau immediately prior to the effective date of this Act, if he shall agree to serve in that office. The first director of the Maine Historic Preservation Commission shall be that person who served as director of the Maine Historic Preservation Commission immediately prior to the effective date of this Act, if he shall agree to serve in that office.

2. Regulations. All regulations of the Maine State Library, the Maine State Library Bureau, the Maine Library Commission, the Maine State Museum, the State Museum Bureau, the Maine State Museum Commission, the Maine Historic Preservation Commission, the Maine State Commission on the Arts and the Humanities, the Arts and Humanities Bureau and any regulation promulgated by the Commissioner of Educational and Cultural Resources pursuant to Title 27 of the Maine Revised Statutes or any officer of those bureaus or 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 or replaced by an agency in another department pursuant to this Act, 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.