MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

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No. 1519

S.P. 502 In Senate, May 11, 198
Submitted by the Department of Educational and Cultural
Services pursuant to Joint Rule 24.

Referred to the Committee on Education and ordered printed. Sent down for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator RANDALL of Washington.
Cosponsored by Representative ROLDE of York,
Representative MCPHERSON of Eliot, Representative LAWRENCE of
Parsonsfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Amend the Laws Relating to the

2 3	Maine State Museum.
4 5	Be it enacted by the People of the State of Maine as follows:
6 7	<pre>Sec. 1. 27 MRSA §85, as amended by PL 1985, c. 785, Pt. B, §124, is repealed.</pre>
8	Sec. 2. 27 MRSA §85-A is enacted to read:
9	§85-A. Powers and duties of Museum Director
.0	The Museum Director shall have the powers and du-
.1	ties established under the following provisions gov-
.2	erning the administration and operation of the Maine
.2	State Museum activities:

1. Duties prescribed. To perform the duties which are prescribed for him by the commission;

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- 2. Administration. To administer the office of 3 Museum Director. In exercising his administration, the Museum Director shall promulgate operating policies, establish organizational and operational proce-4 6 -7 . dures and exercise supervision of museum activities. He shall employ, subject to the Civil Service Law and the approval of the Commissioner of Educational and 8 9 10 Cultural Services, such assistants as may be neces-11 sary to carry out the purposes of this chapter. Museum Director shall adopt a seal for use in the of-12 13 ficial business of the museum;
- 3. Rules. To promulgate such rules as necessary to effectuate the purposes of this chapter. No unrea-14 15 16 sonable restrictions or limitations shall be imposed 17 on the use of museum records or objects that are defined by law as records or objects open to public in-18 19 spection;
- 4. Acceptance of gifts and bequests. To accept gifts, bequests and endowments for purposes consist-20 21 ent with the purposes of this chapter. Any funds, if 22 given as an endowment or trust, shall be invested by the Treasurer of State according to the laws govern-23 24 ing the investment of trust funds. All gifts, be-25 26 quests and proceeds of endowment funds shall be used solely to carry out the purposes for which they 27 28 made;
 - 5. Biennial report. To report biennially to the Governor and Legislature facts and recommendations relating to the work and needs of his office.
- 6. General. To carry out the policies and direc-33 tives of the Maine State Museum Commission;
- 34 7. Collection. To institute and maintain a program of systematic collection in the several fields 35 36 of museum activity with particular emphasis on those 37 fields relating to this State;
- Preservation and restoration. To preserve, 38 39 identify, catalogue, document and safeguard the collections of the museum. Protection through copy-40 rights may be obtained; 41

livered The museum chall rec

- 9. Research and publications. To carry on research to increase knowledge in the several fields of museum activity and to provide interpretive and information services, including the dissemination and recording of information gathered through research;
- 10. Information. To provide reference services to individuals and local historical, natural history, scientific and other groups and societies interested in museum activities;
- 10 ll. Exhibitions. To exhibit the collections of
 the museum, including permanent and temporary exhibits, and to provide a loan service for films, artifacts, specimens and other exhibits of the museum to
 such persons, groups and schools and under such terms
 and conditions as determined by the director;
- 12. Services. To provide ancillary museum services such as operation of a museum library, consultation concerning museum activities, sale of publications, provision of speakers, participation in special events and any other activities which will promote the effectiveness of the museum.
- 22 13. Educational stipends. To provide educational field school opportunities in concert with archaeo-logical and conservation projects by providing educational stipends from funds secured from nongeneral fund sources.
- 27 Sec. 3. 27 MRSA §89, as enacted by PL 1971, c. 544, §84, is amended to read:
- 29 §89. Publication fund

- 1. Revolving fund. There is established within the Maine State Museum a revolving fund for the use of the museum to cover acquisition, printing and distribution costs for scientific, historical and educational literature and for services offered by the museum for which a charge is made.
 - 2. Prices and rates. The director is authorized to fix the price prices and rates at which publications, services or related items may be sold and delivered. The museum shall receive without charge 15%

- of all such publications for complimentary distribution.
- 3 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 such sales shall be utilized to restock materials for resale and to support the publications program as defined in subsection 1.
 - 4. Income. Income from sale of publications shall be credited to the revolving fund, to be used as a continuing carrying account to carry out the purposes of subsection 1 or as excepted by the conditions of subsection 3.

Sec. 4. 27 MRSA §91-A is enacted to read:

§91-A. Reproductions of Museum collections

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- 17 <u>l. Authorization. The Maine State Museum may</u> 18 enter into licensing or similar arrangements for re-19 productions of selected items from the museum collec-20 tions.
 - 2. Fees; royalties. Income received from those arrangements, including the sale of reproductions directly or indirectly through vendor arrangements, shall be credited to the revolving publication fund or the revolving conservation fund, upon the decision of the commission.

STATEMENT OF FACT

Changes to the law pertaining to the Maine State Museum incorporate several changes for grammatical and clarification purposes.

The bill also explicitly authorizes the museum to obtain copyright protections for original works which are copyrightable under the federal law. This is intended to distinguish original interpretative publications of the museum from "public records" of the State and to provide copyright protections for these and other original works, if deemed appropriate.

The bill would also explicitly authorize the museum to credit the proceeds from sales of reproductions of collection items to either of the 2 existing revolving funds dedicated to museum purposes.

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