

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1623

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H.P. 1169

House of Representatives, May 10, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative RAND of Portland.

Cosponsored by Senator GILL of Cumberland, Representative O'GARA of Westbrook and Representative CROWLEY of Stockton Springs.

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STATE OF MAINE

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

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An Act to Establish a Portland Neighborhood Library System.

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(AFTER DEADLINE)

(EMERGENCY)



1           **Emergency preamble.** Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
3 as emergencies; and

5           Whereas, the residents of the City of Portland face losing  
6 their neighborhood library services; and

7           Whereas, the library, known as the Portland Public Library,  
8 is a private library that does not provide for any publicly  
9 elected or appointed trustees; and

11           Whereas, in the judgment of the Legislature, these facts  
12 create an emergency within the meaning of the Constitution of  
13 Maine and require the following legislation as immediately  
14 necessary for the preservation of the public peace, health and  
15 safety; now, therefore,

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

19           **Sec. 1. Portland Neighborhood Libraries.** Portland Neighborhood  
20 Libraries is hereby established and shall constitute a body  
21 politic for the purposes of establishing and maintaining a  
22 neighborhood library system in Portland. For the purposes of  
23 this Act, "neighborhood library" means a lending library which is  
24 open at least 2/3 of the average of the number of hours that the  
25 regional libraries in the State are open. The Portland  
26 Neighborhood Libraries shall include, but not be restricted to,  
27 libraries located in neighborhoods known as Riverton, the West  
28 End, Munjoy Hill, Deering Center and Peaks Island.

31           **Sec. 2. Powers of Portland Neighborhood Libraries.** The Portland  
32 Neighborhood Libraries may take and hold real and personal estate  
33 donations, grants, devises or bequests in any amount. The  
34 libraries shall have the same access to services and city, county  
35 and state lending as other public libraries. The Portland  
36 Neighborhood Libraries shall provide for the use, protection and  
37 preservation of the property of the libraries and of all  
38 collections of books, papers, manuscripts, curiosities,  
39 antiquities or works of art under its charge, and for the  
40 addition of neighborhood libraries to the neighborhood library  
41 system. The Portland Neighborhood Libraries may establish a  
42 system for use, abuse, injury or loss of its property, which  
43 system may, from time to time, be modified and amended as shall  
44 be judged expedient.

45           **Sec. 3. City of Portland property and funds.** The City of Portland  
46 may appropriate and pay, annually, toward the expenses of  
47 establishing and maintaining the Portland Neighborhood Libraries  
48 system, and may also furnish rooms for its accommodations. The  
49 Portland Neighborhood Libraries system shall allow the  
50 inhabitants of the City of Portland to have free access to its  
51 libraries, for the purpose using and enjoying the same on

1 the premises. The property of the libraries shall be exempt from  
2 taxation. The Portland City Council shall at the request of the  
3 board of trustees put out for vote to the citizens of Portland  
4 the question of the city taking the property and rights to be  
5 used and maintained for the purposes of free public neighborhood  
6 libraries, under such regulation as provided in this Act for  
7 management, preservation and protection of the material of the  
8 libraries as the city may from time to time establish and shall  
9 be held only to pay and discharge any existing debt and  
10 liabilities of the Portland Neighborhood Libraries.

11  
12 If the City of Portland finds itself with annual requests  
13 from more than one library or library system providing free  
14 access to services to its residents, the library or library  
15 system with the largest percentage of trustees publicly elected  
16 by the registered voters in a city-wide election in a manner  
17 prescribed by the Portland City Charter for council and school  
18 committee members will be first assured of fiscal sufficiency to  
19 carry out its purpose as prescribed in its charter.

20 **Sec. 4. Board of Trustees; how elected; officers; immunity.** All of  
21 the affairs of Portland Neighborhood Libraries shall be managed  
22 by a board of trustees composed of 9 members who shall serve for  
23 3-year terms, except as provided in this section. Two of the  
24 trustees shall be appointed by the Portland City Council and 2  
25 trustees shall be appointed by the Portland School Committee,  
26 provided that the trustees are residents of the City of  
27 Portland. Nominations and elections for the remaining 5 trustees  
28 shall be conducted in accordance with the laws relating to  
29 municipal elections, provided that each of the 5 city council  
30 districts must be represented by one trustee who is a resident of  
31 that district. Appointments must be made under this section  
32 within 60 days of the effective date of this Act and elections  
33 must be held at the first city-wide election after the effective  
34 date of this Act.

35  
36 1. The first order of the board of trustees shall be to  
37 draw by lot to fix the terms of the trustees. Of the original  
38 trustees:

39  
40 A. The trustee from Council District 4, the trustee from  
41 Council District 5 and one council-appointed trustee shall  
42 serve for one year;

43  
44 B. The trustee from Council District 1, the trustee from  
45 Council District 2 and one school committee-appointed  
46 trustee shall serve for 2 years; and

47  
48 C. The remainder of the trustees shall serve for 3 years.

49  
50 2. The board of trustees shall elect from their number a  
51 president and vice-president, and may appoint a secretary,

1 treasurer, librarian and other proper and necessary officers and  
2 assistants who need not be members of the board. The terms of  
3 office shall be determined by the board of trustees.

5 3. All decisions of the board of trustees shall be by a  
6 majority of those present and voting. A quorum of the board of  
7 trustees shall be 5 trustees.

9 4. The board of trustees is deemed to be a political  
10 subdivision and the trustees are deemed to be employees for the  
11 purposes of the Maine Revised Statutes, Maine Tort Claims Act,  
12 Title 14, chapter 741.

13 5. The board of trustees is authorized to incorporate the  
14 Portland Neighborhood Libraries system pursuant to the procedures  
15 established in the Maine Revised Statutes, Title 13-B or its  
16 successor.

17  
18 **Sec. 5. Closing of library; referendum.** Unless a city-wide  
19 referendum is held on the issue, a library in the Portland  
20 Neighborhood Libraries system may be closed or moved, have its  
21 hours shortened by more than 30% in one year or 50% in 5 years or  
22 otherwise substantially alter service at its locations which  
23 would impede use by the neighborhood.

24  
25 **Emergency clause.** In view of the emergency cited in the  
26 preamble, this Act shall take effect when approved.

27  
28  
29

#### 30 STATEMENT OF FACT

31 The purpose of this bill is to provide access to public  
32 libraries to Portland neighborhoods and enables the citizens of  
33 Portland to have a publicly elected body which has the authority  
34 to provide and the accountability for neighborhood library  
35 services.