

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 532

H.P. 351

House of Representatives, February 19, 2013

An Act To Amend the Laws Governing the Maine State Library

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative NADEAU of Winslow.
Cosponsored by Senator LACHOWICZ of Kennebec and
Representatives: CASSIDY of Lubec, CHENETTE of Saco, FOWLE of Vassalboro,
GRAHAM of North Yarmouth, NADEAU of Fort Kent, PEASE of Morrill, SCHNECK of
Bangor, Senator: COLLINS of York.

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

2 **Sec. 1. 27 MRSA §31**, as amended by PL 1973, c. 626, §1, is further amended to
3 read:

4 **§31. Library hours**

5 The State Librarian shall keep the library open at least 35 hours per week. ~~Neither the~~
6 ~~State Director of Public Improvements nor any of the state employees under his~~
7 ~~jurisdiction shall admit anyone~~ A person may not be admitted to the library rooms out of
8 library hours or ~~permit take~~ any book to be taken therefrom or other material from the
9 library without the consent of the librarian.

10 **Sec. 2. 27 MRSA §34, first ¶**, as repealed and replaced by PL 1989, c. 700, Pt. B,
11 §17, is amended to read:

12 The Department of Education shall maintain a school library media section ~~in~~
13 ~~cooperation with the Maine State Library that must carry on.~~ The State Librarian shall
14 assist the school library media section with the following activities:

15 **Sec. 3. 27 MRSA §34, sub-§9**, as enacted by PL 1989, c. 700, Pt. B, §17, is
16 repealed.

17 **Sec. 4. 27 MRSA §34, sub-§10**, as enacted by PL 1989, c. 700, Pt. B, §17, is
18 amended to read:

19 **10. Related activities.** Related activities in cooperation with the Maine State
20 Cultural Affairs Council; and

21 **Sec. 5. 27 MRSA §34, sub-§11** is enacted to read:

22 **11. Electronic resources and database library.** Maintaining and providing an
23 electronic library service as well as a database library for use by elementary and
24 secondary schools.

25 **Sec. 6. 27 MRSA §37**, as amended by PL 1973, c. 626, §4, is repealed.

26 **Sec. 7. 27 MRSA §66** is amended to read:

27 **§66. Reports of departments and institutions**

28 The State Librarian shall distribute reports of the departments and institutions of the
29 State and other books and documents published or purchased by the State in such manner
30 as the law may direct. ~~He~~ The State Librarian may transmit one copy of each published
31 report of each department of the State Government to each library in the State and to the
32 libraries of other states and territories, and make such other and further distribution as in
33 ~~his~~ the State Librarian's judgment seems proper. ~~He~~ The State Librarian shall maintain a
34 document room in which ~~shall~~ must be stored all department reports and other

1 publications of the State intended for distribution and shall keep an accurate account of
2 all books and documents received.

3 **Sec. 8. 27 MRSA §69**, as amended by PL 2005, c. 683, Pt. A, §45, is further
4 amended to read:

5 **§69. Purchase of Maine histories**

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

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

15 ~~**3. Surplus.** The State Librarian may sell copies of each history that are not~~
16 ~~distributed under subsection 2. The State Librarian shall fix the price of sale at the retail~~
17 ~~price of the history. The Maine State Museum may sell these copies through its museum~~
18 ~~sales program, except that the proceeds from the sale of these town histories may not be~~
19 ~~used as required under section 89 A. All proceeds from the sales of these town histories~~
20 ~~must be used to pay the costs of the distribution required under subsection 2, and any~~
21 ~~proceeds beyond these costs must be used to meet the costs of purchase under subsection~~
22 ~~1.~~

23 **Sec. 9. 27 MRSA §108** is repealed.

24 **Sec. 10. 27 MRSA §116, first ¶**, as enacted by PL 1973, c. 626, §6, is amended
25 to read:

26 Research centers may be designated by the ~~commissioner~~ State Librarian with the
27 advice of the Maine Library Commission.

28 **Sec. 11. 27 MRSA §117, first ¶**, as repealed and replaced by PL 1977, c. 125, §5,
29 is amended to read:

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

34 **Sec. 12. 27 MRSA §119**, as amended by PL 1989, c. 700, Pt. B, §33, is further
35 amended to read:

1 **§119. Distribution of appropriations**

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

4 **Sec. 13. 27 MRSA §121**, as amended by PL 2007, c. 67, §5, is further amended to
5 read:

6 **§121. Confidentiality of library records**

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

13 **SUMMARY**

14 This bill removes maintaining and providing a video tape library from the list of
15 activities that the Department of Education must perform in its school library media
16 section and adds to the list maintaining and providing an electronic library service and
17 database library. It repeals the provision of law that authorizes the State Librarian to
18 provide bookmobile service. It also repeals the provision of law that requires the State
19 Librarian to make a gift of money or provide books to a municipality that is establishing a
20 free library.

21 The bill decreases the amount of town histories or other books concerning the history
22 of the State that the State Librarian must purchase from 25 copies to 2 copies. It repeals
23 the provision that requires the State Librarian to distribute the histories to school, state,
24 institutional and public libraries. It repeals the provision of law that allows the State
25 Librarian to sell any surplus of the histories.

26 The bill also changes some of the responsibilities of managing the Maine State
27 Library from the Commissioner of Education to the State Librarian.