

# MAINE STATE LEGISLATURE

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# **Government Evaluation Act**

**Maine State Library**  
**2007**

**Maine State Library  
Program Evaluation Report**

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## **Introduction:**

Since the last report to the Joint Standing Committee on Education and Cultural Services, the Maine State Library has undertaken some major initiatives and some smaller ventures into new services, while continuing to provide exemplary services to individuals and libraries all over Maine. The reader will find in this report goals and initiatives that are representative of the work of the library, but which can never carry the full measure of all the threads that it takes to weave together the varied aspects of the Maine State Library's work.

There are five achievements that highlight the depth and reach of the Maine State Library's work: the electronic infrastructure, the Maine State Library web site, the astonishing success of the outreach services Books-by-Mail program, the efficiencies and cost savings provided by the van delivery system, and the work being done to expand services to individuals certified as blind, visually impaired, or physically handicapped. Highlighting these briefly will provide a foundation for understanding the balance of this report.

## **Electronic Infrastructure:**

It is a fundamental goal of the Maine State Library to provide access to information resources to all residents of Maine, regardless of geographic location or economic circumstances. The Maine State Library has dedicated considerable attention to achieving that goal and has made remarkable progress through the adoption of the Marvel! databases. This electronic resource provides reliable sources, e.g. on-line magazines, newspapers, and reference books in either full text or abstract to people with access to the Internet from schools, offices, their homes, or at their local libraries around the state. Marvel! is part of the Maine InfoNet system which combines electronic and physical sources to create a virtual library linking resources from libraries around the state into one system. Most of the electronic connectivity among Maine libraries (and schools) is via the Maine School and Library Network (MSLN) established in 1996. MSLN resulted from a May 1995 Public Utilities Commission (PUC) rate case settlement and was designed collaboratively among the PUC, the Maine State Library, and the Maine Department of Education.

**MSL Web Site** – this exemplary, completely accessible web site crosses all program boundaries. Maine residents can sign up for an MSL library card, place books on reserve, renew books, access MARVEL, Maine's virtual library, and search MSL's catalog from their homes. Other features of this web site allow patrons to:

- Subscribe to an e-newsletter readers' advisory service
- Find the latest new books or audio books
- Enroll in Outreach programs such as disability services like Large Print & Talking Books or other programs such as Books by Mail for those no local library or limited services
- Access and utilize statewide catalogs
- Check hours, map directions, find wireless access, and learn about their programming at local libraries
- Use the "ask a librarian" feature
- Calculate what their library is worth to them
- Sign up for classes
- Coming: Search for information on Famous Mainers
- Link to state government forms (e.g. renew a driver's license, obtain a hunting & fishing license, purchase or renew a dog license)

- Librarians (and their staff) can update their library profile online, search for a library job through the state, access interlibrary van delivery services and discounted library vendors, gather library statistics, access helpful web sites including WebJunction, a national portal for librarians, as well as locate information on library organizations, library polices and a myriad of other professional materials.

**Books By Mail:**

The success of this structural change showed up clearly in the remarkable jump in the number of items ordered through the Books-by-Mail program. The Books-by-Mail department indicates that there is a clear connection to the increase in ordering and the placing of the database for this program on-line. Users now had the full range of options at their fingertips and showed their enthusiasm by ordering additional materials. The volume of orders grew to such proportions that the budget of the MSL for postage could not keep up with the requests and on July 1, 2007, for the first time in the history of the program, users were required to pay for the return postage. Paying for return postage has unfortunately slowed down the volume of requests.

Circulations

Jan. 2007	3,538
Feb. 2007	3,264
Mar. 2007	3,759
Apr. 2007	3,197
May 2007	3,571
June 2007	3,128
<b>July 2007</b>	<b>1,810</b>
<b>Aug. 2007</b>	<b>1,681</b>
<b>Sept. 2007</b>	<b>1,477</b>

Registration (New Patrons Added)

Jan. 2007	59
Feb. 2007	62
Mar. 2007	64
Apr. 2007	86
May 2007	80
June 2007	31
<b>July 2007</b>	<b>40</b>
<b>Aug. 2007</b>	<b>31</b>
<b>Sept. 2007</b>	<b>15</b>

**Van Delivery System:** In 2003 MSL contracted with a private courier service to deliver library materials between public, academic, school and special libraries in Maine. This system has grown to include 116 libraries that spend \$170,000 per year for delivery. This charge is far less than the costs associated with shipping materials through the postal service and in addition saves a significant amount of staff time as postal packaging is not required.

**Services to Individuals with Special Needs:**

While the library experienced an increase in the Books-by-Mail program, a similar increase in the Large Print and Talking Books program was not noted. The library is always searching for ways to increase library accessibility for users of differing abilities. In an on-going effort to meet the needs of Mainers who are certified as blind, visually impaired or physically handicapped, a staff member was assigned to test the feasibility of using a local recording booth to develop the first local special-format title for the library. A core group of active volunteers of narrators and monitors had been formed to staff this

initiative under the direction of the MSL project director. Reaching all eligible residents of Maine takes innovative efforts that require the staff to expand their skills into new areas, and that also bring opportunities to collaborate with volunteers or other agencies. Technology is enabling the library to address goals in new ways.

Making the most of the available resources, seeking ways to innovate and grow, and addressing the mandates under which the library operates are fundamental to the work of the library. It is the sincere desire of the Maine State Library staff that this report will give an overview of the work that the library does in support of the people of Maine.

## 1. Enabling Legislation and Other Relevant Mandates (State and Federal)

### Enabling Legislation

Title 27 – Maine Revised Statutes

Chapter 1 State Library

Chapter 3 Public Libraries

Chapter 4 Regional Library System

Chapter 4-A Library Records

Chapter 4 Interstate Library Compact

20 U.S.C., Chapter 72 (amended 2003):

Museum and Library Services Act of 1966

Library Services and Technology Act

Title VI of the Civil Rights Act of 1964

Section 5(j) of the U.S. Public Law 89-209

Management and Use of Funds

Equal Pay Act of 1963

Conflict of Interest Policy

Grant Appeals Policy

ALA Library Bill of Rights

### Summary of M.R.S.A. - Title 27, Chapters 1, 3, 4, 4-A, and 5

**Chapter 1** – Sets up the position and duties of the State Librarian. It defines the hours the Library shall be open, the contents of the library, and the scope of services. It covers lending services, responsibilities, and replacements. It outlines the library's responsibilities to other libraries, to the State, and to citizens (including handicapped individuals). It identifies certain areas of cooperative endeavor, such as with the Department of Education to maintain a school library media position and to libraries within the state for a statewide library information system. It gives the MSL charge of Conservation and Preservation grants to libraries around the state to conserve and preserve unique library research materials.

**Chapter 3** – Deals with the establishment and development of public libraries in Maine.

**Chapter 4** – Covers the regional library system in Maine and creates the Maine Library Commission (as established by Title 5, section 12004-G, subsection 7-E of Title 27) and its duties. The Maine Library Commission sets the policies and operations of the MSL and the library program, among their other duties. The Commission also serves as the State Advisory Council on Libraries for any federal monies that the State Library receives (e.g. Library Services and Technology Funds (LSTA) from the Institute of Museum and Library Services (IMLS). Chapter 4 also covers the creation of area reference and resource centers, research centers, district consultants, and library districts.

**Chapter 4-A** – Is a statement on the confidentiality of library records.

**Chapter 5** – Allows for the development of interstate library compacts. It sets parameters under which such agreements may be undertaken and defines the necessary steps for establishing and maintaining, and for the supervision of such compacts.

## **Summary of 20 U.S.C. 72, Museum and Library Services**

**Subchapter 1** creates the Institute of Museum and Library Services (IMLS), the Board of Directors, the position of Director (allowing for other staff), and outlines the duties of the above. It also sets up a framework for overseeing, directing and supporting museums and libraries around the nation.

This subchapter allows IMLS to make annual awards, directs the IMLS to study the impact of their efforts in coordination with State partners, directs them to study the needs for, and trends of museum and library services; directs them to report on the impact of programs funded by IMLS; and to identify and disseminate “best practices.” Money received from IMLS may not be used for construction.

**Subchapter 2** deals with library services and technology. The purpose is to consolidate federal library programs, to promote improvement in library services, to facilitate access to resources in all types of libraries (public libraries, public elementary school or secondary school libraries, academic libraries which are not part of an institution of higher education, and certain private or special libraries) and to encourage resource sharing. This section defines how states may use federal monies for libraries, how and where those monies will be allocated. It defines the responsibilities of states receiving such grant monies, which include such items as: having an approved state 5-year plan that outlines how the money will be used to address the specific areas of focus, as well as assurances, reports, and specified protective measures. States must have a State Advisory Council (Maine State Library Commission serves this function) and may use money directly or as sub-grants. National Leadership Grants, contracts or cooperative agreements are also included in this subchapter.

Areas of grant focus (abbreviated):

- Expand services for learning and access to information and education resources
- Develop electronic networks
- Develop linkages among libraries: electronic or other
- Target library services to:
  - Diverse geographic, cultural, socioeconomic backgrounds
  - Individuals with disabilities
  - Individuals with limited functional literacy or information skills
- Target library and information services to:
  - Persons having difficulty using a library
  - Underserved urban/rural communities, including children (birth-17 years) from families with incomes below poverty line

**Subchapter 3** deals with museum services.

## **Summary of Title VI of the Civil Right Act of 1964**

Title VI of the Civil Rights Act of 1964, prohibits employment discrimination based on race, color, religion, sex, or national origin, and the Civil Rights Act of 1991, which among other things, provides monetary damages in cases of intentional employment discrimination.

Title IX of the Education Amendments of 1972 provides that no person in the United States shall, on the basis of sex, be subject to discrimination under any educational program or activity receiving federal financial assistance.



The Age Discrimination in Employment Act of 1967 (ADEA) provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program receiving federal assistance.

### **Management and Use of Funds**

Section 5(j) of the U.S. Public Law 89-209 requires compliance in regard to the employment of professional personnel, mechanics, and laborers, employed for any construction project, and to the health, safety and sanitary laws of the state.

18 U.S.C. Sec. 1913 regulates lobbying with appropriated money, and the Hatch Act (5 U.S.C. Sec. 1501-1508 and 7324-7328) limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

An adequate financial management system must be maintained to provide efficient and effective accountability and control of all property, funds and assets, in compliance with OMB Circulars A-102, A-128 (for local governments) and A-110 (for non-profit organizations and universities.)

The **Equal Pay Act of 1963** stipulates that employers may not reduce wages for either sex to equalize pay between men and women.

### **Conflict of Interest Policy**

No member of the Maine State Library or its Commission, advisory committees, or agency staff or any spouse or dependent children of such individuals, on behalf of themselves or with respect to any organization with which they are employed as staff or consultant, or affiliated with as members of the governing boards(s) in which they have a direct or substantial financial interest shall submit or sponsor applications or proposals for agency funds, or seek to influence the decisions of members of the Maine Arts Commission, advisory committees or juries, or staff regarding applications for agency funds, or receive, accept, take, seek or solicit directly or indirectly, gifts, gratuities, favors, or would not give said item except for that individual's office or responsibility with the agency, or to unduly influence that individual's action on applications for agency funds. No member of the agency staff shall participate in their official capacities in any proceedings which may fund or otherwise support individuals or organizations with whom the staff members are employed or are negotiating with for future employment, or organizations for which the staff members serve on the governing board.

### **Grant Appeals Policy**

Any grant applicant shall have the opportunity to appeal a grant decision by submitting, in writing, an appeal to the Chair of the Maine State Library Commission within 30 days of notification of the grant decision. An appeal shall be made only on the basis of the procedure taken by the advisory committee, jury or director in reviewing the application, and not on management, or other evaluations based on the grant review criteria.

**ALA Library Bill of Rights** outlines basic policies that all libraries should conform to.

## **2. Description of Each Program Including Priorities, Goals and Objective Performance Criteria; Timetables or Other Benchmarks of Success in Meeting Goals; Reasons for Failure, Corrective Measures Taken.**

### **Maine State Library Mission Statement**

The purpose of the Maine State Library is to be the statewide leader in efforts to provide, broaden, and improve access to information and library services regardless of location. To accomplish this effort the Maine State Library is divided into two divisions: Reader and Information Services and Library Development.

### **Programs**

The mission statement of the Maine State Library reflects the broad goals of the Library. The two divisions specified in the mission statement, Reader and Information Services and Library Development, are designed to support those broad goals and they comprise two of the four programs of the Maine State Library. Maine InfoNet, administered jointly by MSL and the University of Maine System, coordinates the statewide virtual library of online catalogs and electronic databases. The final program of the Maine State Library is Administration, which provides the structure, support, and guidance necessary to carry out many of the library services that the citizens of Maine require.

Together, the four program areas of the Maine State Library serve to support the information needs of the people of Maine. Swift and reliable access to accurate information directly impacts the quality of life in Maine, the economy of the State, as well as Maine's connection to, and place within, the nation and the world.

### **Program Descriptions with attendant measures:**

**I. Reader and Information Services** provides for the delivery of quality reference, information and loan services to all libraries, state agency personnel, Legislators, and the general public. This includes supporting and complementing the collections of all types of libraries throughout the state through resource sharing. Statewide resource sharing would be much less efficient without the van delivery system, which transported 300,000 items among all types of libraries in 2006.

Ideas and input for the development of the public services portions of the MSL web page originate within this program. Reader and Information Services also develop marketing ideas and plans public relations efforts to support its programs and resources. . In 2006 the Maine State Library deployed LibQual, <sup>TM</sup> a national patron satisfaction survey from the Association of Research Libraries, to gauge citizen satisfaction with MSL's hours, services, staff, accessibility, materials, etc.. The survey showed that although patrons (and potential patrons) recommended a few changes, there was no significant area of concern or dissatisfaction. MSL has already increased evening hours in response to the survey results.

Specific programs include; (1) Collection Services and (2) Reference and Research Services.

**1. Collections Services** acquires, catalogs and maintains the library's collection and, through interlibrary loan, provides access to the Library's resources for other libraries. Staff determines

which materials need preservation and chooses the best methods for doing so using outside vendors.

**Activities:**

**Collection Services** selects, purchases, processes, catalogs, maintains, and preserves the library's collections. Advice and assistance is available for librarians statewide with questions related to technical processing, acquisitions, cataloging and preservation.

**Interlibrary Loan** processes title requests received by the library for books, microforms, periodicals, and electronic information. Requests come from patrons and other libraries in Maine, the region and nation. Items not available in-house are located at other libraries in the state, region or nation and requested through a computer network. In 2005-2006 the Maine State Library loaned 35,550 items to other libraries and borrowed 28,303 items.

**2. Reference and Research Services** provides direct reference and information services to patrons. The clientele served includes libraries in the Central Maine Library District and URSUS (University Resources Serving Users State-Wide) libraries (these include Portland and Bangor Public libraries and the Maine State Library, the State Law and Legislative Reference Library, as well as the University of Maine campus libraries,) and walk-in, e-mail, and telephone patrons

**Activities:**

**Reference Librarians** respond to in-person, telephone, email, online and mail requests. Patrons come from local communities, the region, state, country and other nations. One of the reference staff's many specialties is providing assistance with Maine-related materials from the 1700s to the present and helping patrons access and use an outstanding collection of genealogy materials. They instruct patrons in the use of the library's resources including on-line public access catalogs and Internet resources. In 2005-2006 the reference staff responded to 22,495 requests for information.

Reference librarians are instrumental in developing the collections of the Library. They prepare bibliographies of materials that are of current or long-term interest. Reference librarians also maintain a very large newspaper and magazine clippings and pamphlets collection documenting Maine history, business, natural resources, culture and the arts.

**Circulation** staff lends material from the collection, monitors reserves and overdues, registers patrons, re-shelves books and periodicals, staffs the circulation desk and assists patrons with photocopiers and microform machines. In 2005-2006, 203,406 items were circulated by the MSL.

**Documents** staff collects, catalogs and maintains all state-produced publications; staff also maintains a selective group of federal documents.

**II. Library Development Services** provides leadership and support for library development in all types of libraries throughout the state. Specific programs include (1) the Maine Regional Library System which includes Regional Consultant Services, and (2) Outreach Services, including

Books-By-Mail, large print books, descriptive videos and Books on Tape. The Library development staff also manages the federal e-rate application for the 900+ school and library sites on MSLN, (the Maine School and Library Network). This network connects eligible schools and libraries to the Internet. (Two-hundred forty-one public libraries were included in the e-rate application for 2007).

Applying for federal e-rate discounts for schools and libraries on MSLN includes gathering paperwork from the 900+ sites on MSLN, developing the application on behalf of these sites, and gathering and approving technology plans from member libraries. MSLN connectivity saves users' time and increases the resources available to them greatly reducing costs at many libraries in the state. It is also enabling out-of-state travelers to stay in touch with their homes or businesses while in Maine. Anecdotal information indicates this is allowing tourists to spend more time in Maine.

The Library Development Director manages the New Century Community Grant program when funds are available, and, as LSTA Coordinator, also manages the LSTA federal funds from IMLS.

**Regional Services** provides support, through three Districts and three Area Reference and Research Centers, to all types of libraries throughout the state, administers state and federal aid to local libraries, and provides consultants for leadership and guidance.

**Interlibrary Loan** makes it possible for the three Area Reference and Resource Centers located at the Portland and Bangor Public Libraries and the Maine State Library to supplement the collections of all types of libraries within their districts by lending them books and other informational material not owned locally.

**Direct Free Walk-In Service** allows any resident free use of his/her Area Reference and Resource Center, including circulation privileges.

**District Consultants** provide professional development leadership for academic, school and public librarians and support staff. This is achieved through individual consultation, workshops, seminars and professional meetings. Leadership is also provided through the District Councils and the District Executive Boards, both administered by the district consultants.

**Federal and State Aid for Library Services** is administered by the Maine State Library with the advice of the Maine Library Commission. The Federal Library Services and Technology Act (LSTA) is used for statewide library services. The New Century Community Grants program provides state funds for library construction and statewide library development.

The following quote is from the 2001-2006 independently conducted LSTA evaluation report: In 2006, Himmel & Wilson, National Library Consultants, were hired to do an independent evaluation of the Maine State Library's implementation of the Library Services & Technology Act five-year plan (2003-2007). In that report they make the following statement:

“The financial resources that are available to support library services in Maine are quite limited. Local funding is meager, LSTA funding is in the bottom tier when compared to other states and support from the State of Maine is modest. In spite of this, Maine has

accomplished a great deal in a state that presents major challenges in terms of size and population density. In the opinion of the evaluators, the Maine State Library has done a masterful job of maximizing the impact of all the funding sources, including LSTA that are available to it (p. 52).”

The Library Development Director is responsible for preparing required 5-Year Plans to IMLS as well submitting annual state program reports and a 5-year evaluation of each 5-year plan. Library Development service includes the following programs:

**Activities:**

**1. Consulting Services** – provides a professional library/media consultant for school library development and assessment of library programs. This consultant offers workshops, approves school library construction plans, assists with certification, and provides information on request. The school consultant is also responsible for approving school technology plans, which are mandated by the federal e-rate program and by NCLB (No Child Left Behind).

**District Regional Consulting Services** – There are three districts in Maine, each with its own Area Reference and Resource Center; district consultant; district council, and executive board. The councils and executive boards are advisory groups that work with the district consultant to assure that the needs of each area are being met and that each area has appropriate development/educational opportunities. Keeping libraries in communication with each other, and the sharing of resources within districts are primary to the development and continued growth of each district.

The three regional district consultants of the Maine State Library organize workshops, cluster group meetings, spring and fall council meetings, awards, book reviews, professional development material, and special programs for libraries in their regions. They also provide consultant services regarding any issue for libraries in their districts.

**Instructional Video Library** – provides videotaped educational programs to elementary and secondary schools for classroom use.

**Continuing Education** courses are offered every year for the professional development of library staff members throughout the state. The Maine State Library became a member of Web Junction in June 2007. This portal for libraries, funded in part by the Bill and Melinda Gates Foundation, provides hundreds of online courses for librarians as well as a way for member state libraries to share information and have online meetings with libraries in their states. This professional development tool has already been used by a majority of public libraries in the state.

**University Graduate Level Library Courses** are provided in-state through an agreement with the University of South Carolina. Courses are taught via distance education (ITV) and the program leads to a Masters in Library Science.

**Video Production** facilities satellite downlinks, assists with video production, and serves as a link to the Interactive Television System.

**ATM Services** are in the Maine State Library's 3rd floor studio and are linked to the states' broadband, two-way video network. Bangor Public Library is also part of this network along with approximately 80 high schools around the state. For the sake of time, economy and efficiency, state-wide library meetings are often held over this system.

**Computer Technology** develops and maintains networks, Internet services and other computer access points, including in-house Novell networks serving 30+ public access computer stations.

**2. Special Services/Outreach Services Staff** provides books-by-mail to residents in towns without libraries; provides video programs to libraries, nursing homes, community groups, and institutions; provides talking books and large print material to residents who are visually or physically impaired and runs a state-wide summer reading program.

**Activities:**

**Books-by-Mail** serves adults and young readers by mailing books to rural Maine citizens not served by local library collections, disabled patrons around the state, and state government agencies.

**Video Services** provides videotapes to community groups, nursing homes, and other institutions through public libraries. Reference and consultant services are also provided for the use of video programming.

**Talking Books** provide recorded books, periodicals, and tape players to readers whose sight or physical condition makes it impossible to read print sources. The Maine State Library is one of 56 regional libraries of the Library of Congress National Service for the Blind and Physically Handicapped.

**Large Print Books** provides large print books for visually impaired readers throughout the state. It serves individual patrons, public libraries, nursing homes, and institutions.

**Summer Reading Program** involves children in the Books-by-Mail program along with children in participating libraries around the state in the national Collaborative Summer Library Program. With a common reading theme and activities to accompany the reading material, children are motivated to continue reading throughout the summer thereby helping to minimize the loss of reading skills when school is not in session. The total number of Maine communities participating in the summer reading program has increased over the past three years as the overall number of children participating in the program around the state.

**Goal:** Improve services, increase access, and improve efficiency for Outreach Service users.

**Specific Activities Associated with Goal:**

- *Mount or link OPACS (On-line Public-Access Catalogs) and automate all cataloging, circulation, interlibrary loan, and reporting functions to improve access and efficiency/timeliness of operations.* **Goal was met** in 2004-05 for talking books, large print books, and descriptive videos. The Books-by-Mail collection was added to MINERVA. The now enhanced access to the Books-by-Mail collection so greatly

increased the volume of requests by patrons that the Library's funds could not handle the increased postage costs. Since July 1, 2007, as a result of this spike in requests for Books-by-Mail service, patrons have had to pay for the return postage on borrowed materials. (This has slowed down the number of requested items.) The Books-by-Mail service links patrons to a statewide community and 90.4% have stated in survey results "Using Books-by-Mail improves the quality of my life."

- *Develop the Outreach Services web site into one that is universally designed, with parallel pages for graphics-oriented and visually impaired patrons who are differently-abled, including helpful links and resources. Goal was met* in 2004-05 when the Maine State Library's website was completely redesigned and customized for the Library's needs. The State Library's website is 100% compliant with Maine Government standards for accessibility for persons with disabilities as measured with AccMonitor, the software used by the State to measure compliance. The MSL Webmaster was recognized by the State with a Maine Excellence Recognition in Information Technology (MERIT) award for "her work in improving accessibility for disabled citizens and employees."
- *Develop online request features, either through existing features of integrated library software or through interactive forms. Goal was met.* Once users register through MINERVA, they may request books, cassettes, large print books, and descriptive videos (available through the Maine Library for the Blind and Physically Handicapped.) The revisions were so user friendly that patrons in another state were using the Maine site to order talking books, a situation that caused the librarian in that state to contact Maine State Library for permission to make use of the MSL's ideas.
- *Create virtual book and other online group discussions and programs with chat, bulletin board, or similar software.* MSL tried using state-supported bulletin boards without success. MSL then joined Online Programming for All Libraries to make use of their online room for book discussions and other informational sessions. It did not catch on with users, possibly a design issue. Since the goal of this activity was to help isolated individuals feel that they were part of a virtual online community and was aimed at enriching user's lives, other ways were sought to meet this goal. The library is now building upon the success of blogs in the Internet community as a communication mode and has started to develop blogs to address this goal.
- *Provide e-mail links for users to contact appropriate staff for information, routing, reference referral, and readers' advisory.* Links have been established on the Maine State Library website to connect patrons to appropriate staff members. Letters of appreciation from patrons to staff members can be seen as indicators of success. They express appreciation for the service, and for knowing that a person, whose name they know, cares about their needs.
- *Mount or link Online Public Access Catalogs (OPACS) for all programs.* MSL participates in URSUS, the online catalog linking their collection with those of the University of Maine System, Bangor Public Library, Maine State Law and Legislative Reference Library. This system provides automated circulation and interlibrary loan capabilities. Patrons received bar-coded library cards, which allowed them to reserve, renew, and review items checked out from their home computers. As noted above, the Books-by-Mail collection has also been added to MINERVA. Surveys of patrons indicate that this has enhanced their access to desired materials in an easy-to-interface format through the Outreach Services web pages.
- User surveys are implemented as needed. Services are advertised through outreach exhibits, pamphlets, and cooperative advertising venues

**Goal:** Encourage all Maine children to read and provide equal support to blind, visually or physically impaired, and rural youth.

**Specific Activities Associated with Goal:**

- *Establish a statewide summer reading program that will integrate blind, visually and physically impaired, geographically isolated, rural, and all other Maine children into one summer reading community.* While the Books-by-Mails participant numbers were slightly down this past summer over the two previous summers, the number of Maine communities participating in the summer reading program has risen to more than 50%. The overall number of children participating in summer reading programs rose from 4,796 in 2003-04 to approximately 120,000 in 2005-06. The Books-by-Mail program registered 215 children, connecting them with children all around the state engaging in this activity.
- Network with library associations, educators, and children's librarians throughout Maine to develop shared incentives, kickoff events, and ideas for local initiatives.  
*Note:* According to user feedback via letters to staff, the Books-by-Mail program is of particular support to families who are home-schooling their children and who live in rural areas. It is also a link to the larger world for home-bound or isolated people lacking transportation.

**Goal:** Launch and sustain a comprehensive public information campaign and develop resources that will spread awareness and increase use of Outreach Services and assistive technologies in libraries throughout the state.

**Specific Activities Associated with Goal:**

- *Identify and implement relevant training opportunities in assistive technology and library services for diverse populations for Outreach Services Staff and librarians throughout the state.* The Coordinator and Outreach staff have been attending various training sessions in assistive technology and library services for diverse populations. In turn, the trained staff has begun to offer day-long training sessions on the ADA and assistive technology in the districts. MSL Outreach has presented programs on assistive technology workstations and library services to people with disabilities at the annual Maine Libraries Conference. Outreach staff has participated in public awareness events. To extend outreach, state-wide public service announcements, brochures, and bookmarks were developed.
- *Develop a clearinghouse of resources, provide site licenses for screen reading software, and create a lending library of assistive devices in Outreach Services.* The Outreach Staff is working toward full implementation of this goal within the next two years.
- *Identify components for a model library assistive workstation, identify recipient libraries, install the workstation, and organize public information events around the technology.* Public libraries with service populations of 6,000 or more received and installed screen reader technology. The Outreach/Special Services Coordinator networks with colleagues online via listservs and at American Library Association meetings, and also provides information on assistive technology via Maine Library-related listservs. Conversations and research into this area have not yet resulted in specific action or dedication of funds. Nevertheless, this will remain an active goal.



- *Develop and promote a pilot program prototype to organize volunteer efforts to bring large print books to assisted living centers throughout the state. A survey and study of existing homebound programs in Maine showed that there were a number of already existing models. A training module about strategies to implement them was presented at the Maine Libraries Conference in 2004; out of that training an online tutorial was developed and became available to libraries at: <http://www.maine.gov/msl/outreach/homebound/index.htm>. One result of this effort has been the recognition that an effective way to assist homebound people was to open up Books-by-Mail services to them.*
- *Organize volunteers to provide staffing for programs such as recording state and regional publications for Talking Book distribution.*
- *Form relationships with local service clubs and create a "Friends of Outreach Service" support group to provide supplemental support for the programs (e.g., fund raisers for the purchase of descriptive videos) and to improve public relations.*  
In spite of good efforts, forming a Friends group for all Outreach programs has not proven feasible. Separate advisory groups for Talking Books Plus and Books-by-Mail are in the process of being developed.

**Goal:** Expand easily accessible electronic information sources to all Maine residents.

**Specific Activities Associated with Goal:**

- Generate statewide publicity to educate the library community and citizens and enable them to utilize these electronic information resources. New library staff and new citizens require information and training about MARVEL, and the most efficient methods to search for information from these databases.

**III. Maine InfoNet** is jointly administered by MSL and the University of Maine system. InfoNet coordinates the statewide virtual library of online catalogs and electronic databases.

**Goal:** *Ensure that all Maine residents have convenient and timely access to all Maine libraries and information services through Maine InfoNet, which provides live integrated library software, interlibrary cooperation, and resource sharing arrangements.*

**Specific Activities Associated with Goal:**

- *Provide support for an increased number of Maine libraries to participate in MINERVA, providing patrons with up-to-date Internet access to holdings and patron information and ensuring efficient interlibrary loan transactions.* InfoNet staff is adding four libraries to MINERVA in the winter of 2007-2008.
- *Prepare to expand MINERVA with software and a second server. Further enlarge this automated circulation catalog and interlibrary loan system.* Implementation of this activity is ongoing. Maine InfoNet is the State Library's collective name for its shared catalog and database activities, called MaineCat, which combines and links library collections across Maine. As of mid-2006, 114 libraries, among them all the largest academic and public libraries, were participating. Adding smaller libraries is ongoing, with a goal of reaching 300 libraries of all types. Programs that make up MaineCat include MINERVA, SOLAR, and URSUS. These linkages connect patrons to libraries around the state. Maine InfoNet also includes the MARVEL online databases and the

Van Delivery Service. *Loans among MINERVA libraries went from 30,000 in 2004 to 200,000+ in 2006.* The number of libraries participating in MINERVA has increased, as have the Maine Cat participating libraries.

- *Publicize library automation and interlibrary loan services statewide to make residents aware of their options to search the OPAC (Online Public Access Catalog), place Interlibrary Loan (ILL) requests, and renew materials online.* A number of libraries publicize these services. InfoNet brochures have been mailed to all libraries; MARVEL! and WiFi availability are also promoted in these brochures.
- *Provide staff and resources for more training, communication, promotion, and data processing for the holdings database and MINERVA.* The Minerva Executive Board has completed its bylaws, elected officers, and set up a committee structure. Goals for the first year have been established. The Maine Regional Library System (MRLS) has been an effective training resource for libraries around the state. Libraries have appreciated help with technology planning; however, they feel that the consultant staff needs to be increased in numbers. They have requested a state-wide continuing education plan for librarians with suggestions for specific topics to be covered.

*Expand and deliver access to electronic resources.* This goal is being met through the MARVEL! databases. The value of the resources in these databases would be in excess of \$500,000 per library. State-wide licensing creates significant savings, and increases access to reliable information sources around the state. Maine's rural, relatively undeveloped environment makes it a desirable place to live and now the natural environment is coupled with the resources needed to telecommute, making Maine not only a desirable place to live but a possible place to do business in new ways. MARVEL! is a collaboration between the Maine State Library, the University of Maine, the State Legislature, and the Maine Telecommunications Educational Access Fund (MTEAF). These entities fund the state-wide licensing of these resources for every library, school and resident of Maine. The MSL contributes staff for planning and implementation. In online surveys conducted for LSTA's 5-year evaluation with librarians in Maine, MARVEL! was most frequently cited as the "service most important to my library" and was chosen as the top priority for the next five-year plan. From Sept 06 through August 07, 770,338 logins and 3,094,931 searches were done via the MARVEL databases.

- *Pay costs for libraries to acquire or share computer systems and telecommunications technologies, encouraging libraries in different areas to establish consortia and share resources.* MSL is an administrative partner with the Maine Department of Education for the Maine School and Library Network (MSLN) that connects all schools and libraries with high-speed lines. The circuit rider (technical support person) is very helpful for those libraries and small schools that do not have technical support.
- *Provide "new innovations and annual update" session as part of the annual Maine Libraries Conference, which involves in excess of 500 Maine library professionals.* Programs are offered at the Maine Libraries Conference and are often included in the twice a year Council meetings in each district. Workshop evaluation forms provide anecdotal evidence of increased knowledge and changed behavior.
- *Develop and begin implementation of a plan for the smallest libraries in the Books-by-Mail service areas to become a part of the automated full management system.* A smaller version of SOLAR, called SOLAR Express is aimed at smaller libraries; it allows requesting from the three Area Reference and Resource Centers and does not require that a library loan their holdings or make them available for lending. This will expand access

for the smallest libraries that have limited staff and limited staff training. It will provide a chance for the staff and patrons to use a small, easily accessible system.

- *Continue to develop statewide access to databases with the goal of providing a seamless interface for searching all OPACs and databases simultaneously.* InfoNet is achieving this goal with the addition of SOLAR Express for smaller library access.
- *Develop criteria, examine collections for unique materials, and establish a digitization project that will provide online access to materials.* This step provides for digital preservation of unique, historically significant state and local documents, images, and media for statewide access. Funding for this has been sought in the form of grants as well as from the state.

**IV. Administration** provides leadership for development of library services in Maine; coordinates the work of all staff; prepares and supports necessary legislative action concerning libraries; and provides all necessary fiscal information. Maine State Library Administration includes the following programs:

**Maine State Librarian** manages and supervises the operations and programs of the Maine State Library and makes rules and regulations as are necessary for the proper management of the State Library and the safety of its contents.

**Maine Library Commission** is a 17-member board broadly representative of the state's library community.

**Activities:**

**Appoint State Librarian.**

**Establish Policies** for the operation of the Maine State Library and the state's library program, including minimum standards of library service, the apportionment of state aid to libraries, the designation of library districts and their boundaries, the designation of Area Reference and Resource Centers, and the designation of research centers.

**Act on written request** by any interested library as an appeals board concerning decisions made by the State Librarian.

**Business Office** staff conducts all financial activity connected with the Maine State Library.

**Activities:**

The following activities are managed by the Maine State Library Business Office for all 4 Cultural Agencies (Maine State Library, Maine State Museum, Maine Historic Preservation Commission, and the Maine Arts Commission.)

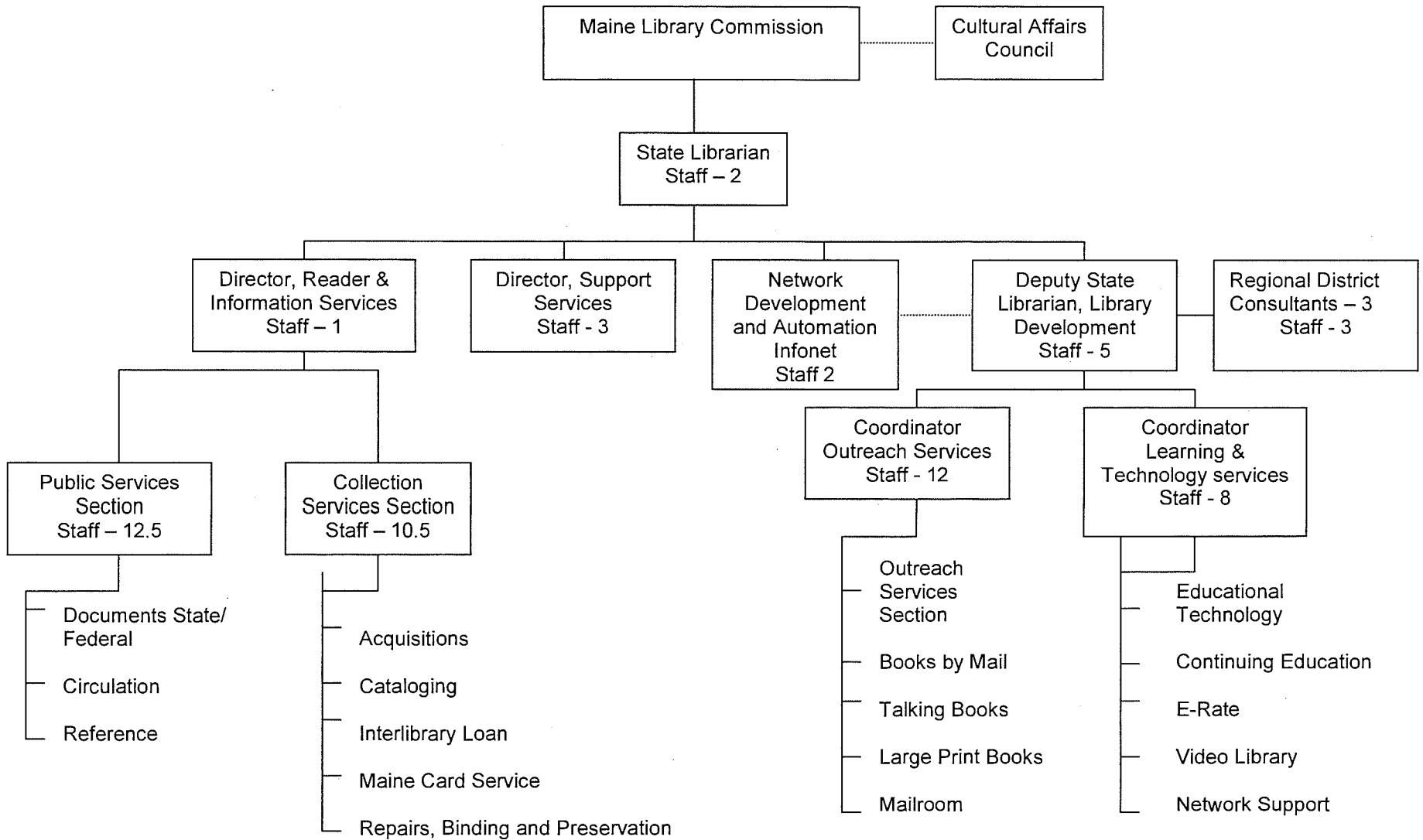
Fiscal Responsibilities/Budget  
Personnel/Payroll  
Workman's Compensation  
Americans with Disabilities Act of 1991  
Equal Employment Opportunities  
Procurement/Purchasing

The Business Office also manages the purchases and inventory for the **Museum Gift Shop**.

### **3. Organizational Structure, Position count and Job Classifications.**

- Organizational Structure with Position Count
- Job Classifications with Position Count

The above information will be found on the following pages.



## Position Count with Job Classifications for Maine State Library

### State Librarian (2)

PS Exec. III  
Secretary Associate Supv

### Director, Reader & Info. Services (1)

PS Mgr. II

### Public Services Section (Staff 12.5)

Librarian I -1  
Librarian II - 5 FTE plus 1 part-time  
Librarian III (vacant)  
Customer Rep Assistant II -6

### Collection Services (10.5)

Librarian I -5  
Librarian II - 1  
Library Sec Supervisor  
Customer Rep. Assistant II - 4

### Director of Support Services (2)

Director of Support Services  
Accounting Tech.

### Network Development & Automation Infonet (2)

Education Specialist II  
PS Manager II

### Deputy State Librarian, Library Development (5)

PS Manager II  
Clerk IV  
Customer Service Rep. II  
Librarian III  
Planning & Research Associate II

### Coordinator Outreach Services Staff (13.5)

Clerk IV (Vacant)  
Librarian I  
Librarian II - 3  
Customer Service Rep. II - 6  
Office Associate II - 3  
Library Section Supervisor (vacant)

### Regional District Cons (3)

Librarian III -2  
Office Associate II

### Coordinator Learning & Tech. Services (5)

Sr. Information Systems Support Specialist

Information Systems Support Specialist  
Library Sec. Supervisor  
Audio Visual  
Statistician

#### **4. Compliance with Federal and State Safety and Health Laws, Including the ADA and OSHA**

The Maine State Library is a state agency that receives tax money appropriated by the Maine State Legislature. Therefore, the Maine State Library and grant recipients are contractually committed to abide by state and federal regulations that bar discrimination based on race, color, national origin, disability, age, or sex, or sexual orientation, and that require accessibility for persons with disabilities. In addition, grantees must ensure appropriate management of funds and personnel as required by the federal government. The Maine State Library also requires grantees to observe the Commission's conflict of interest policy, which is based on Maine statute, as well as to follow an established appeals process when disputing a grant decision. The Commission is also mindful of the health and safety of employees and is mindful of workplace safety as is required under OSHA standards.

##### **People with Disabilities**

Disability is defined as anyone who has a physical or mental impairment, which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such impairment.

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified person with a disability in the United States, as defined in Section 7(6), shall, solely by reason of his or her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal assistance.

The Americans with Disabilities Act of 1991 extends protections of the Civil Rights Act of 1964 by prohibiting discrimination in employment based in disabilities, requiring places of public accommodation be accessible to people with disabilities, mandating gradual replacement of buses and railroad cars with equipment that can accommodate people with disabilities, and making telephone services available to people with hearing and speech impairments, nationwide.

##### **Occupational Safety and Health Act of 1970**

Section 5 says that each employer will furnish each employee employment that is free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees; and each employer will comply with the occupational safety and health standards of this act. This section covers environmental hazards, ergonomics, as well as workplace violence.

**Maine State Library Policy Concerning Workplace Response to Domestic Violence, Sexual Assault and Stalking** is adopted from the Maine State Executive Order 25FY04/05. It defines how the Library will deal with issues of domestic violence, sexual assault, and stalking, including confidentiality and employee's resources and rights.

##### **Maine VDT Law**

Title 26, Chapter 5, Subchapter 2-A establishes that employers shall educate and train all operators of video display terminals annually.

##### **Drug Free Workplace**

The Drug Free Workplace Act of 1988 requires that employees of the grantee not engage in the unlawful manufacture, dispensation, possession, or use of controlled substances in the grantee's workplace or work site.



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## 5. 10-Year Financial Summary

## Maine State Library Expenditures

FUND	FY07	FY06	FY05	FY04	FY03	FY02	FY01	FY00	FY99	FY98
General Fund	\$3,459,319	\$3,251,049	\$3,405,942	\$3,382,109	\$3,407,392	\$3,096,609	\$3,705,361	\$1,968,694	\$2,548,877	\$2,302,629
New Century	\$0	\$0	\$0	\$0	\$214,050	\$201,935		\$1,302,000		
Total General Fund	\$3,459,319	\$3,251,049	\$3,405,942	\$3,382,109	\$3,621,442	\$3,298,544	\$3,705,361	\$3,270,694	\$2,548,877	\$2,302,629
Federal Fund	\$1,396,270	\$1,054,973	\$1,079,983	\$1,058,224	\$889,455	\$873,884	\$952,301	\$1,111,710	\$917,006	\$713,641
Special Revenue	\$382,683	\$306,959	\$263,086	\$472,798	\$146,750	\$110,267	\$38,036	\$131,247	\$17,120	\$13,282
Bond	\$7,341	\$649,776	\$733,718	\$260,520	\$517,466	\$1,420,863	\$600,116	\$1,583,213	\$123,142	\$15,212
<b>Total all funds:</b>	<b>\$5,245,613</b>	<b>\$5,262,757</b>	<b>\$5,482,729</b>	<b>\$5,173,651</b>	<b>\$5,175,113</b>	<b>\$5,703,558</b>	<b>\$5,295,814</b>	<b>\$6,096,864</b>	<b>\$3,606,145</b>	<b>\$3,044,764</b>

## Positions

FUND	FY07	FY06	FY05	FY04	FY03	FY02	FY01	FY00	FY99	FY98
General Fund	43.5	43.5	45.5	45.5	47	47	47	47	47	47
Federal Fund	13	13	13	13	12	12	13	13	13.5	13.5
<b>Total Positions</b>	<b>56.5</b>	<b>56.5</b>	<b>58.5</b>	<b>58.5</b>	<b>59</b>	<b>59</b>	<b>60</b>	<b>60</b>	<b>60.5</b>	<b>60.5</b>

**6. Regulatory Agenda and Summary of Rules Adopted**

The Maine State Library does not anticipate any new rule making during the upcoming legislative session.

The Maine State Library has not adopted any rules to date.

## 7. Areas Where Efforts Have Been Coordinated with Other Agencies or Whether They Should Be.

The **Cultural Affairs Council** is a primary, and successful, form of collaboration for the MSL. The Council provides the voice for the Cultural Agencies regarding their accomplishments and needs. The Council provides a structure for agency interaction on a regular basis to jointly plan and coordinate cultural programs. The New Century Program has proven to be an effective means for the agencies to coordinate efforts at supporting needs of cultural organizations around the state.

The **New Century Program**, of the Cultural Affairs Council, provides matching grants and technical assistance to various cultural organizations around the state. When there is money available, the Maine State Library assists libraries around the state to expand existing buildings, build new structures, or make needed renovations through the New Century Community Program.

**Business Office** - The Maine State Library business office is responsible in the following areas for four cultural agencies, which include the Maine State Library, the Maine Arts Commission, Maine Historic Preservation Commission, and the Maine State Museum:

- Fiscal Responsibilities/Budget
- Personnel/Payroll
- Workman's Compensation
- Americans with Disabilities Act of 1991
- Equal Employment Opportunities
- Procurement/Purchasing

The Business Office also manages the purchases and inventory for the Museum Gift Shop.

The Maine State Library has found that collaboration is an effective means to deliver services. An example of this is the collaboration (beyond the work done through CAC) with the **Maine Humanities Council**. The MHC held their summer history program at the MSL in order to have access to the library's videoconferencing system. The MHC also runs a program called, "Let's Talk About It" in libraries around the state. The MHC funds part of the program, takes the applications, and selects and orders the books; the MSL funds the balance of the program and distributes (and stores) the books for the program, due to the large infrastructure that the MSL already has in place for book distribution. According to the Director of the Maine Humanities Council, the MSL's role in distributing the books is critical to the success of this program. The Maine Humanities Council has funds to support 35 programs per year and works to ensure that they are distributed across the state in the most equitable manner possible.

**Maine Historical Society** in Portland - The Institute of Museum and Library Services (IMLS) has awarded Maine Historical Society (MHS) a National Leadership Grant of \$852,000 over the next three years. The grant will enable MHS, in partnership with the Maine State Library, to launch the Maine Community Heritage Project in 16 towns and cities throughout the state. This is the largest programmatic grant MHS has ever received, and is the largest competitive grant awarded by this agency in Maine. It is an extremely prestigious honor: of the 213 applications submitted for this award, 43 were granted.

The **National Book Festival** is held annually in Washington, D.C. in the fall. MSL gets approximately \$2,000 from the Council of State Library Agencies (COSLA) to send a person to the conference to represent Maine in the state booth. Each year a children's book written by a Maine author is highlighted. The MSL uses the COSLA money for books and the Maine Humanities Council selects the book and staffs the booth on the mall in Washington. This is a wonderful way to promote Maine and Maine authors on a national level.

**The Maine School and Library Network (MSLN)** is managed in collaboration among the Maine State Library, the Maine Department of Education and the Maine Public Utilities Commission.

## **8. Constituencies served by the agency, changes or projected changes.**

The Maine State Library serves all of the residents of the State of Maine. By the very nature of this library, that will not change. The library's services are broken down into two main service areas to accomplish this task: Reader and Information Services and Library Services.

Under Reader and Information Services the library serves:

- All state government agencies
- All state residents on a walk-in basis or by telephone or Internet, as well as all patron requests from within Maine or beyond the state nationally or internationally
- All Maine citizens not served by a local library, via Books-by-Mail
- Readers throughout the state with special needs such as sight impairment or physical disability

Under Library Development Services the Library serves as the Area Reference and Research Center for:

- Libraries of all types within the Central Maine State Library District, approximately 1/3 of the libraries within the state.
- Collaborates with the Department of Education for delivery of media services to schools.
- In collaboration with the Department of Education, and the Public Utilities Commission, MSL administers the Maine School Library Network.

## 9. Efforts at alternative delivery systems including privatization.

The interlibrary loan **van service** is privatized. A contract has been negotiated with a delivery service agency. The libraries receiving the service, pay for the stop (pick up or delivery) and get billed quarterly by the Maine State Library. This service represents a huge cost savings over costs of postal service delivery.

The Maine State Library also purchases statewide **database subscriptions** through private vendors specializing in library services. Purchasing statewide subscriptions rather than each library paying subscription costs individually provides huge cost saving. Statewide licensing also provides the smallest libraries and communities as well as Maine's largest cities with the same access to electronic information.

The Maine State Library provides the bookkeeping and personnel services for the four Cultural Agencies (MSL, Maine Historic Preservation, Maine State Museum, and the Maine Arts Commission), as well as for the Cultural Affairs Council, the Museum Store, and the Friends of the Maine State Museum. This has created cost savings and efficiencies within the programs.

The development of the **Maine State Library's website** has given patrons greater access to information. Having applications readily available in multiple forms online means that direct staff to patron contact is reduced in those areas, saving the staff time for issues that require their particular skills. It also directs patrons to the correct person to help them with their needs, saving a great deal of time for the library staff. The website allows for greater sharing of resources among libraries, which is another cost-saving measure. It has allowed the staff members who support librarians to keep in contact via the web, saving both time and postage. Having access to multiple databases from anywhere in the state with access to the Internet must save untold amounts of fuel and time as patrons can search from home for what they need.

## 10. Emerging Issues for the Agency

- The aging Cultural Building is energy inefficient (HVAC and electrical systems are all outdated) and no longer effectively meet the needs of the resident agencies.
- Our collections have maximized their available space. The ability to maintain economies of scale in library materials and to make them available to libraries in the state are threatened.
- The Maine Telecommunications Education Access Fund (MTEAF) commonly known as state e-rate can not support the increasing bandwidth needs of Maine schools and libraries. As more libraries provide wireless connectivity, and has high school students obtain laptops, additional broadband access will be required.
- The Maine State Library needs to meet the growing demand for access to electronic reference and research information. Access to online information is a key element in economic development for Maine. Lack of additional investments in this area will cripple our scientific institutions, colleges, universities and businesses in comparison to their peers in other states.
- Digitization of materials for electronic sharing is an issue facing all libraries, historical societies, schools and businesses. The Maine State Library should be a leader in this area by (a) digitizing its historical holding (b) offering training in digitizing for other libraries.
- MSL needs to be positioned to keep up with hardware, software and growing technology changes and needs to be able to financially support rising costs for deploying and sustaining technology use.
- MSL must take a leadership position in assisting Maine libraries as they transition from traditional and first wave digital roles to Library 2.0 applications for current and future generations of digital natives.



## 11. Comparison of Related Federal Laws and Regulations to the State Laws Governing the Agency or Program.

Maine regulations have established the State Library to:

- Keep histories of state/counties/towns
- Keep histories of all countries
- Keep family histories
- Collect works on arts and sciences, esp. agriculture, forestry, fishing, manufacturing, shipbuilding
- Keep maps, charts, plans, manuscripts, statistical and other publications relating to financial, social, religious and educational condition of the State,
- Keep full and complete sets of all documents printed by the State
- Keep full and complete sets of the reports of the towns, cities and counties of the State
- Lend books and documents.
- Serve as the Area Reference and Resource Center for the Central Maine Library District; make its collections available to all residents of the state.

The State Library shall also

- Maintain a school library media section in cooperation with the Department of Education.
- Develop a statewide library information system for cooperation among libraries
- Share collections statewide
- Develop tools for obtaining electronic information, enter into agreements to provide accessible electronic information services for eligible individuals who are blind, visually impaired, or disabled
- Distribute reports to departments and institutions of the state and beyond as needed
- Purchase town histories

The State Library May:

- Purchase documents, maps, journals, and other printed material of significance to the historical heritage of Maine
- Publish lists and circulars and cooperate with other libraries to do so
- Conduct courses, training, workshops and hold institutes in cooperation with others

Maine State Library supports and interacts with other public libraries around the state. And, in recognition of costs and the growing need for rapid worldwide dissemination of information, state regulation also allows for development of interstate library compacts.

The Maine Library Commission serves as the Library Services and Technology Act (LSTA) advisory board.

Federal Museum and Library Services regulations are designed to support the needs of libraries in particular areas. Those areas directly support the State mandates and cover the following areas:

- Expand services for learning and access to information and education resources
- Develop electronic networks
- Develop linkages among libraries: electronic or other
- Target library services to:
  - Diverse geographic, cultural, socioeconomic backgrounds
  - Individuals with disabilities
  - Individuals with limited functional literacy or information skills
- Target Library and information services to:

- Persons having difficulty using a library
- Underserved urban/rural communities, including children from families with incomes below poverty line

While the funds that accompany the Museum and Library Services Act are not large (being based upon a formula derived from population), they provide important support to the Maine State Library in carrying out the mandates of the State of Maine in the specified targeted areas. Federal Funds are not designed to cover 100% of the above services.

The additional regulations that govern the conduct and practices of the Maine State Library (such as the Federal American's with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1964 and its Amendments, etc.) are either adopted by the State of Maine or mirrored in compatible State Policies.

## **12. Agency Policies for Managing Personal Information, Implementation of Information Technologies and Evaluation of Agency Adherence to the Fair Information Practice Principles.**

### **Agency Policies for Managing Personal Information:**

- **Title 27, Chapter 4-A of M.S.R.A.** deals with confidentiality of records. MSL adheres to this policy.
- **The Maine State Library Policy Concerning Workplace Response to Domestic Violence, Sexual Assault, and Stalking** includes confidentiality of any person covered under this policy.
- All personnel records are considered confidential and are treated that way.

### **Implementation of Information Technologies:**

- The MSL has successfully completed a revision of its website. This was a major undertaking of the library and has become one of the most important means by which the Maine State Library communicates with the public and libraries statewide. The State Library's website is 100% compliant with Maine government standards for accessibility for persons with disabilities as measured with AccMonitor, the software used by the State to measure compliance. The MSL webmaster received the state's Maine Excellence Recognition in Information Technology Award for her work. This site allows patrons to access information from multiple databases, request items online, complete application forms online, and will provide the information needed to connect a patron with the correct service provider for their needs.
- The Maine State Library has a published Internet Use Policy that defines responsibilities of the user and of the Library.
- The Library is exploring ways to make libraries around the state more aware of, and equipped with, assistive technologies. Outreach staff at the Maine State Library has been trained in assistive technology, and they in turn have been training librarians around the state. Public libraries with Service populations of 6,000 or more received and installed screen reader technology.
- The Maine School Library Network is a critical piece in keeping school libraries connected with quality information resources through high-speed Internet lines. As the administrative partner, the Maine State Library collects and processes the Federal E-Rate applications for all participating schools, thereby easing the process for the schools. This program includes technical support for libraries that do not have their own technician.
- MSL has a collection of databases, MARVEL, that connect users with reliable information in a very efficient manner. MARVEL provides every resident of Maine online access to a collection of full text and abstracts from magazines, newspapers and reference books that are credible, reputable sources), URSUS (links the catalogs of the University of Maine System, Maine State Library, Bangor Public Library, and Maine State Law and Legislative Reference Library) and SOLAR (allows smaller libraries to make their collections visible to other libraries and patrons) are linked so that users across the state have convenient access to more than three million unique titles and nearly 8 million items.

### **Evaluation of agency adherence to the fair information practice principles:**

- All contracts go through the State of Maine purchasing system, and the MSL follows the guidelines set by the State of Maine and complies with general accounting principles in all areas.
- When the user of MARVEL! enters into the FAQ section, there is a Security and Privacy Notice. The Privacy Policy is also available to the user at the bottom of each web page.

**13. Lists of Reports or Similar Paperwork required to be filed with the Agency by the Public.**

- **Any Other Information Specifically Requested by the Committee of Jurisdiction**

The Maine State Library is not aware of any other information requested by the Joint Standing Committee on Education and Cultural Affairs.

**Addendum**

Support Letter



INSTITUTE of  
Museum and Library  
SERVICES

*Connecting People to Information and Ideas*

October 1, 2007

Mr. J. Gary Nichols  
Director  
Maine State Library  
64 State House Station  
Augusta, ME 04333

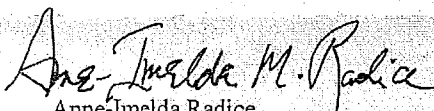
Dear Mr. Nichols:

This note comes with compliments for the work that you are doing and to congratulate you on the submission of an excellent Five-Year Plan (FY 2008-FY 2012). As advances in technology and the demands of the public constantly alter the landscape upon which libraries operate, you should take pride in the proposal and in the standards it sets for your state and the service you provide to patrons.

I am pleased to say that your review has met not only the minimum technical requirements, it demonstrates a commitment to innovation, to education, and to documenting the need for and impact of LSTA funds in communities. It is an excellent roadmap for the future, and it gives me delight to say that it has been approved for the full five-year period.

I wish to thank you for your strong efforts and for working with IMLS throughout this process. It is my hope that this plan will lead to an excellent evaluation five years from now. Until then, I look forward to tracking your progress and to our continued work together.

Sincerely,

  
Anne-Imelda Radice  
Director

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1800 M Street NW •• 9th Floor •• Washington, DC 20036-5802 •• 202-653-IMLS (4657) •• Fax 202-653-4625 •• [www.imls.gov](http://www.imls.gov)

*A federal agency building the capacity of libraries and museums to create a nation of learners.*

**The Maine State Library Commission**

**The Maine Library Commission**

The Maine State Library Commission is designed to bring together people who are broadly representative of the diverse libraries and regions in the state. Meeting four times during the year, the commission is the policy authority for, and provides advice and support to the Maine State Library and its programs. The specific duties of the Maine State Library Commission are outlined below as they appear in Maine law. In its advisory and policy-setting capacity, it does not hire staff, nor does it operate independently of the Maine State Library. The report for the Maine State Library will cover library programs, staff, compliance issues, etc.

**Title 27 MRSA, Chapter 4**

**Title 27 MRSA, Chapter 1, Section 72; Subsection 2.**

Title 27, Chapter 4 establishes the Maine Library Commission, defines its membership, terms of office, establishes limits to terms, appointment for vacancy, and sets a minimum number of meetings to be held each year. The duties of the commission are:

- To appoint the state librarian and to fix compensation
- To establish policies and operations for the library and its programs
- To set the apportionment of state aid to libraries
- To designate library districts and their boundaries
- To designate area reference and resource centers
- To designate research centers with the advice of the district council
- To act as an appeals board, should there be need
- To serve as the federally required State Advisory Council on Libraries, give advice and make recommendations to the state librarian with regard to the administration of federal funds
- To apportion funds appropriated by the Legislature for support of regional library system

Title 27, Chapter 1 makes note in Section 72; Subsection 2 that the Maine Library Commission shall approve grants with the advice of the State Librarian.



## Maine Library Commission Board Members

The Library Commission, a seventeen-member board appointed by the Governor, is broadly representative of the state's library community. Maine Legislation Title 27: Chapter 4, Section 111; Subsection 1. specifies that the 17 Commissioners will be appointed by the Governor to represent the areas in Column 2. Its charge is "...to give advice and make recommendations in regard to the policies and operations of the Maine State Library and the State's library program...".

SOS * Seat #	Area Represented	Name	Address	Email
3	Academic	Joyce Rumery	Fogler Library, University of Maine, Orono, ME	<a href="mailto:rumery@maine.edu">rumery@maine.edu</a>
14	District-CMLD	Karl Aroma	Rumford Public Library, Rumford Avenue, Rumford, ME 04276	<a href="mailto:karomaa@rumford.lib.me.us">karomaa@rumford.lib.me.us</a>
10	At Large- Disadvantaged	James Ritter	41 Pond Rd., South Searsmont, ME 04973	<a href="mailto:hjritter@fairpoint.net">hjritter@fairpoint.net</a>
4	Special	Charles Campo	Bangor Daily News, 491 Main St., Bangor, ME 04402-1329	<a href="mailto:ccampo@bangordailynews.net">ccampo@bangordailynews.net</a>
12	District-NMLD	Betty Fraser	Houlton High School, 7 Bird St., Houlton, ME 04730	<a href="mailto:befraser@houlton.sad29.k12.me.us">befraser@houlton.sad29.k12.me.us</a>
6	At Large	Vacant		
5	Institutional	Barbara Harness	Maine General Medical Center, 6 East Chestnut St., Augusta, ME 04330	<a href="mailto:bharness@mainegeneral.org">bharness@mainegeneral.org</a>
15	Trustee	Stephen E. Nichols**	PO Box 146, Buxton, ME 04093	<a href="mailto:senichols@sacoriver.net">senichols@sacoriver.net</a>
7	Handicapped	Glenna Nowell	RFD 5, Box 1910, Gardiner, ME	<a href="mailto:nowell@adelphia.net">nowell@adelphia.net</a>
1	Public Library	Elizabeth Moran	Camden Public Library, 55 Main St., Camden, ME 04843	<a href="mailto:emoran@camden.lib.me.us">emoran@camden.lib.me.us</a>
8	At Large	Sue Finn	38 Sewall St., Augusta, ME 04330	<a href="mailto:smqf@aol.com">smqf@aol.com</a>
2	School	Gretchen Asam	Presque Isle High School, 16 Griffin St., Presque Isle, ME 04769	<a href="mailto:asamg@sad1.org">asamg@sad1.org</a>
13	District-SMLD	Inese Gruber	Windham Public Library, 217 Windham Center Road, Windham, ME 04062	<a href="mailto:igruber@windham.lib.me.us">igruber@windham.lib.me.us</a>
11	At Large	Charles Cawley	PO Box 219, 235 Bayview St., Camden, ME 04843	
9	At Large	Morehead Kennedy	Maine General, Meadow Rd., Mt. Desert, ME 04660	<a href="mailto:MKGroup@downeast.net">MKGroup@downeast.net</a>
16	Non Voting ARRC	Steve Podgajny	Portland Public Library, 5 Monument Square, Portland, ME 04101-4071	<a href="mailto:podgajny@portland.lib.me.us">podgajny@portland.lib.me.us</a>
17	Non Voting ARRC	Barbara McDade	Bangor Public Library, 145 Harlow St., Bangor, ME 04401	<a href="mailto:bmcdade@bpl.lib.me.us">bmcdade@bpl.lib.me.us</a>

\*SOS = Secretary of State; \*\*Current Chairperson

# Title 27, Chapter 1, STATE LIBRARY

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## Chapter 1: STATE LIBRARY

### Subchapter 1: STATE LIBRARIAN

#### §1. Salary; duties

The Maine State Library shall be under the management and supervision of the State Librarian as appointed pursuant to section 112, 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 shall receive such salary as shall be set by the Governor. [1989, c. 700, Pt. B, §15 (amd).]

The librarian may employ, subject to the Civil Service Law and the approval of the Maine Library Commission, a deputy state librarian, and such assistants as the business of the office may require. [1989, c. 700, Pt. B, §15 (amd).]

PL 1971, Ch. 610, §13 (AMD).

PL 1975, Ch. 771, §290 (AMD).

PL 1985, Ch. 785, §B123 (AMD).

PL 1989, Ch. 700, §B15 (AMD).

#### §2. Contents; exchange

**1. Library contents.** The State Librarian shall procure and keep in the State Library the following:

A. Histories of this State, its counties and its towns; [1979, c. 541, Pt. A, § 185 (new).]

B. Histories of all countries; [1979, c. 541, Pt. A, § 185 (new).]

C. Family histories; [1979, c. 541, Pt. A, § 185 (new).]

D. Works on the arts and sciences, with special reference to agriculture, forestry, fishing, manufacturers, shipbuilding and road making; [1979, c. 541, Pt. A, § 185 (new).]

E. Maps, charts, plans, manuscripts and statistical and other publications relating to the financial, social, religious and educational condition of this State and then of the world as fast as the State furnishes the necessary means; [1979, c. 571, Pt. A, § 185 (new).]

F. Full and complete sets of all the documents printed by the State; and [1979, c. 541, Pt. A, § 185 (new).]

G. Full and complete sets of the reports of the towns, cities and counties of this State. [1979, c. 571, Pt. A, § 185 (new).]

[1979, c. 541, Pt. A, § 185 (new).]

**2. Exchanges.** For the purpose of carrying out this section, the State Librarian shall be empowered to provide the following:

A. Conduct a system of exchanges with other libraries and institutions of learning; and [1985, c. 499 (new).]

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B. Provide a service which will collect state and national educational research and resources to be made available to all State educators and citizens. [1985, c. 499 (new).]

[1985, c. 499 (rpr).]

PL 1971, Ch. 480, §5 (AMD).

PL 1979, Ch. 541, §A185 (RPR).

PL 1985, Ch. 499, § (AMD).

### §3. Books 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. Such rules and regulations may include the charge for overdue books and documents. [1971, c. 127, § 1 (amd).]

PL 1971, Ch. 127, §1 (AMD).

### §4. 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 of or 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 such 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.

#### §4-A. Revolving Fund

1. **Fund created.** There is established within the Maine State Library a revolving fund for use by the library to replace books, documents or other materials that are damaged, lost or unrecoverable for which a charge is made.

[1981, c. 496 (new).]

2. **Price and rates.** The State Librarian is authorized to fix the value of library items at current replacement costs plus a reasonable amount incurred in recovering these items.

[1981, c. 496 (new).]

3. **Income.** Income received from subsection 2 shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of subsection 1.

[1981, c. 496 (new).]

PL 1981, Ch. 496, § (NEW).

#### §4-B. Carrying account

The State Librarian may purchase documents, maps, journals or any other printed material of significance to the historical heritage of Maine. Notification of these purchases shall be made to the State Archivist and State Museum Director. Any funds appropriated for the acquisitions of materials shall not lapse but shall be carried forward from year to year. [1983, c. 517, § 1 (new).]

PL 1983, Ch. 517, §1 (NEW).

### §5. Annual report (REPEALED)

PL 1971, Ch. 610, §14 (AMD).

PL 1989, Ch. 700, §B16 (RP).

### §6. Reports from counties, cities and towns

## **Title 27, Chapter 1, STATE LIBRARY**

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 said towns, cities and counties, including all printed exhibits of town, city and county expenditures.

# Title 27, Chapter 1, STATE LIBRARY

## Subchapter 2: OPERATION AND SERVICES

### §31. 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. [1973, c. 626, § 1 (amd).]

PL 1973, Ch. 626, §1 (AMD).

### §32. 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.

### §33. Legislative reference (REPEALED)

PL 1971, Ch. 480, §6 (RP ).

### §34. Library development

The Department of Education shall maintain a school library media section in cooperation with the Maine State Library that must carry on the following activities: [1989, c. 700, Pt. B, §17 (rpr).]

1. **Media center standards.** Recommending school library media center standards and evaluation of programs; [1989, c. 700, Pt. B, §17 (new).]
2. **Certification of media professionals.** Assisting in the certification and recertification of school library media professionals; [1989, c. 700, Pt. B, §17 (new).]
3. **Project review.** Reviewing state funded school library media center construction and renovation projects; [1989, c. 700, Pt. B, §17 (new).]
4. **Expenditures for school library media programs.** Advising the Commissioner of Education on the expenditure of state and federal grants for school library media programs; [1989, c. 700, Pt. B, §17 (new).]
5. **School approval.** Assisting the Commissioner of Education with basic school approvals as it pertains to library instruction; [1989, c. 700, Pt. B, §17 (new).]
6. **School accreditation.** Assisting with local school accreditation visits; [1989, c. 700, Pt. B, §17 (new).]
7. **School library staff.** Providing leadership in staff development and continuing education of school library staff; [1989, c. 700, Pt. B, §17 (new).]
8. **Information for local school systems.** Providing educational research and resource information for local school systems; [1989, c. 700, Pt. B, §17 (new).]
9. **Video tape library.** Maintaining and providing a video tape library service for use by elementary and secondary education; and [1989, c. 700, Pt. B, §17 (new).]
10. **Related activities.** Related activities in cooperation with the Maine State Cultural Affairs Council. [1989, c. 700, Pt. B, §17 (new).]

PL 1971, Ch. 127, §2 (AMD).

PL 1973, Ch. 626, §2 (AMD).

PL 1989, Ch. 700, §B17 (RPR).

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### §35. Traveling libraries (REPEALED)

PL 1971, Ch. 127, §3 (RP).

### §36. 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 that may propose to establish libraries, as to the best means of establishing and administering the libraries, selecting and cataloging books and other details of library management, and may send its employees to aid in organizing such libraries or assist in the improvement of those already established. The Maine State Library shall formulate and present to the Legislature a plan for statewide library development and the Maine State Library is designated as the agency for the administration of the plan and is granted the authority to administer the plan on behalf of the State. The Maine State Library may receive gifts of money, books or other property that may be used or held in trust for the purpose or purposes given. The Maine State Library may establish an endowment fund. Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. The Maine State Library 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. The Maine State Library 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. The Maine State Library shall perform such other library service as the Maine State Library may consider for the best interests of the citizens of the State. [1991, c. 622, Pt. V, §1 (amd).]

PL 1971, Ch. 480, §7 (AMD).

PL 1973, Ch. 626, §3 (AMD).

PL 1991, Ch. 622, §V1 (AMD).

### §37. Bookmobile service

In furtherance of, and in addition to, the powers given in section 36, the State Librarian is authorized and empowered to provide bookmobile service for residents of the State. [1973, c. 626, §4 (amd).]

PL 1973, Ch. 626, §4 (AMD).

### §38. 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 Maine State Library is the sole agency authorized to develop, submit and administer or supervise the administration of any state plan required under such law. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for general public library services. [1989, c. 700, Pt. A, §108 (amd).]

PL 1975, Ch. 771, §291 (AMD).

PL 1981, Ch. 464, §28 (AMD).

PL 1989, Ch. 700, §A108 (AMD).

### §39. Statewide Library Information System

**1. Statement of policy.** The Legislature declares that it is the policy of the State that cooperation among Maine libraries of all types should be fostered and encouraged. The sharing of library holdings and of library-developed tools for obtaining electronic information from networked resources enriches the economic, educational and cultural life of each Maine community. Citizen access to materials purchased with public dollars in an era of widespread access to electronic information networks requires that materials be identifiable by title and physical location. It is in the public interest that the Maine State Library promote and assist access by recording information about resources available through Maine libraries and maintaining them in an always-current, immediately accessible electronic form readily available to every citizen through a variety of telephone and network connections. [1995, c. 475, Pt. A, §1 (amd); §2 (aff).]

**2. Legislative intent.** Recognizing the value of broad citizen access to information, the State assigns to the Maine State Library the responsibility of providing electronic access to information resources including: the creation of an online catalog of the holdings of libraries and other governmental units throughout the State; the provision of online indexing, full text and document delivery of

## Title 27, Chapter 1, STATE LIBRARY

newspaper, periodical and journal articles; the maintenance of a gateway to the Internet and its vast array of electronic resources; the coordination of an effective and efficient means of transporting physical materials among libraries; and the development of a program to teach citizens of the State to successfully locate, retrieve and use the information contained within various computer systems. It is the intent of the Legislature to provide the Maine State Library with the resources necessary to carry out this section.

[1995, c. 475, Pt. A, §1 (amd); §2 (aff).]

PL 1987, Ch. 462, § (NEW).

PL 1989, Ch. 700, §A109 (AMD).

PL 1995, Ch. 475, §A1 (AMD).

PL 1995, Ch. 475, §A2 (AFF).

### §40. Accessible electronic information services

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Accessible electronic information service" means news and other information, including but not limited to newspapers, provided to eligible individuals from a multistate service center using high-speed computers and telecommunications technology for interstate acquisition of content and rapid distribution in a form appropriate for use by such individuals. [2005, c. 651, §1 (new).]

B. "Eligible individuals" means blind, visually impaired or disabled individuals who are eligible for library loan services through the Library of Congress and the National Library Service for the Blind and Physically Handicapped pursuant to 36 Code of Federal Regulations, Section 701.10(b). [2005, c. 651, §1 (new).]

C. "Qualified entity" means an agency, instrumentality or political subdivision of the State or a nonprofit organization that:

- (1) Provides interstate access for eligible individuals to read daily newspapers through producing audio or Braille editions by computer;
- (2) Obtains electronic news text either over the Internet or through direct transfer arrangements made with participating news organizations; and
- (3) Provides a means of program administration and reader registration on the Internet.

[2005, c. 651, §1 (new).]

[2005, c. 651, §1 (new).]

**2. Provision of service.** The State Librarian may enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible individuals. If an agreement is entered into, the State Librarian may make use of federal and other funds available for this purpose.

[2005, c. 651, §1 (new).]

PL 2005, Ch. 651, §1 (NEW).

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## Subchapter 3: DISTRIBUTION OF BOOKS AND RECORDS

### **§61. Maine Reports (REPEALED)**

PL 1971, Ch. 480, §8 (RP ).

### **§62. Distribution and sale (REPEALED)**

PL 1965, Ch. 425, §17 (RPR).

PL 1971, Ch. 480, §8 (RP ).

### **§63. Price (REPEALED)**

PL 1971, Ch. 480, §8 (RP ).

### **§64. Disposition of proceeds (REPEALED)**

PL 1971, Ch. 480, §8 (RP ).

### **§65. Recipients authorized (REPEALED)**

PL 1965, Ch. 425, §18 (RPR).

PL 1969, Ch. 37, § (AMD).

PL 1971, Ch. 480, §8 (RP ).

### **§66. 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 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.

### **§67. Published records of vital statistics purchased (REPEALED)**

PL 1967, Ch. 236, § (AMD).

PL 1973, Ch. 626, §5 (RP ).

### **§68. Records of vital statistics distributed (REPEALED)**

PL 1973, Ch. 626, §5 (RP ).

### **§69. 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.

[1977, c. 546, §1 (new).]



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**2. Distribution.** The State Librarian shall retain sufficient copies of each history purchased under subsection 1 for the use of the 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.  
[1977, c. 546, §1 (new).]

**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, except that the proceeds from the sale of these town histories may not be used as required under section 89-A. All proceeds from the sales of these town histories must be used to pay the costs of the distribution required under subsection 2, and any proceeds beyond these costs must be used to meet the costs of purchase under subsection 1.

[2005, c. 683, Pt. A, §45 (amd).]

PL 1977, Ch. 546, §1 (NEW).

PL 2005, Ch. 683, §A45 (AMD).

# Title 27, Chapter 1, STATE LIBRARY

## Subchapter 4: CONSERVATION AND PRESERVATION (HEADING: REALLOCATED FROM CHAPTER 2, SUBCHAPTER 3 BY PL 2003, c. 688, Pt. A, §28)

### §71. Definitions (REALLOCATED FROM TITLE 27, SECTION 94)

As used in this subchapter, unless the context indicates otherwise, the following terms have the following meanings. [2003, c. 688, Pt. A, §29 (ral).]

**1. Agencies and libraries.** "Agencies" and "libraries" means libraries and other agencies collecting, organizing, maintaining and making available to the Maine State Library research materials.

[2003, c. 688, Pt. A, §29 (ral).]

**2. Conservation or preservation.** "Conservation" or "preservation" means activity for the protection, care and treatment of library materials to prevent loss of their informational content or of the objects themselves, including, but not limited to:

A. Collection condition evaluation and preservation planning; [2003, c. 688, Pt. A, §29 (ral).]

B. Environmental control; [2003, c. 688, Pt. A, §29 (ral).]

C. Preparation of library research material for storage, including binding, matting, boxing and other protective wrapping; [2003, c. 688, Pt. A, §29 (ral).]

D. Disaster prevention, preparedness and recovery; [2003, c. 688, Pt. A, §29 (ral).]

E. Surveying to identify items needing preservation or collection maintenance planning; [2003, c. 688, Pt. A, §29 (ral).]

F. Rebinding, repair, mending or cleaning; [2003, c. 688, Pt. A, §29 (ral).]

G. Reformatting, including photocopying and microfilming; or [2003, c. 688, Pt. A, §29 (ral).]

H. Major conservation treatment such as deacidification, leather repair and conservation rebinding. [2003, c. 688, Pt. A, §29 (ral).]

[2003, c. 688, Pt. A, §29 (ral).]

**3. Library research materials.** "Library research materials" means informational materials in print, nonprint manuscript or any other format which is a part of the applicant's collection and are or will be available for reference, on-site examinations or loan. Works of art using oil on canvas as a medium are excluded from this definition.

[2003, c. 688, Pt. A, §29 (ral).]

**4. Preservation methods.** "Preservation methods" means the activities used in the physical treatment, creation of microforms or environmental control.

[2003, c. 688, Pt. A, §29 (ral).]

**5. Unique library research materials.** "Unique library research materials" means library research materials which are not accessible to the people of the State in any other collection in the State or materials which have research value not duplicated elsewhere in the State.

[2003, c. 688, Pt. A, §29 (ral).]

PL 2003, Ch. 688, §A29 (RAL).

### §72. Annual appropriation (REALLOCATED FROM TITLE 27, SECTION 95)

An annual appropriation shall be made for the conservation and preservation of historically significant Maine State Library research material. [2003, c. 688, Pt. A, §30 (ral).]

**1. Annual grants.** Annual grants may be made to libraries and agencies for the purpose of conservation or preservation of unique library research materials. Projects proposals shall be evaluated based upon factors, including, but not limited to:

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A. Institution commitment to development of a coordinated approach to conservation and preservation of research materials important to the State; [2003, c. 688, Pt. A, §30 (ral).]

B. Research value of the materials; [2003, c. 688, Pt. A, §30 (ral).]

C. Appropriateness of conservation and preservation methods; [2003, c. 688, Pt. A, §30 (ral).]

D. Institutional capacity for successful maintenance of research materials, including facilities, experience and technical expertise; [2003, c. 688, Pt. A, §30 (ral).]

E. Availability of staff with appropriate training and expertise; [2003, c. 688, Pt. A, §30 (ral).]

F. Volume of interlibrary lending and accessibility of collections to the public; and [2003, c. 688, Pt. A, §30 (ral).]

G. Contribution of the institution to the grant project in matching funds. [2003, c. 688, Pt. A, §30 (ral).]  
[2003, c. 688, Pt. A, §30 (ral).]

**2. Approval of grants.** The Maine Library Commission shall approve grants with the advice of the State Librarian.  
[2003, c. 688, Pt. A, §30 (ral).]

**3. Proposals.** Agencies and libraries applying for grants shall submit project proposals in a form prescribed by the Maine State Library.

[2003, c. 688, Pt. A, §30 (ral).]

PL 2003, Ch. 688, §A30 (RAL).

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- (c) Sums remaining available.

## CODIFICATION

Title II of Pub. L. 94-462, comprising this chapter, was originally enacted as Pub. L. 94-462, title II, Oct. 8, 1976, 90 Stat. 1975; Pub. L. 96-496, title II, Sec. 201, Dec. 4, 1980, 94 Stat. 2591; Pub. L. 98-306, Secs. 8-11, May 31, 1984, 98 Stat. 225; Pub. L. 99-194, title II, Dec. 20, 1985, 99 Stat. 1344; Pub. L. 101-512, title III, Sec. 318 [title II, Secs. 201, 202(a)(1), (b), 203-205], Nov. 5, 1990, 104 Stat. 1960, 1974, 1975, known as the Museum Services Act, and classified to section 961 et seq. of this title. Title II is shown, herein, however, as having been added by Pub. L. 104-208 without reference to such intervening amendments because of the extensive amendments to the provisions of title II by Pub. L. 104-208.

## SUBCHAPTER I - GENERAL PROVISIONS

### Sec. 9101. General definitions

As used in this chapter:

(1) Determined to be obscene

The term "determined to be obscene" means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

(2) Director

The term "Director" means the Director of the Institute appointed under section 9103 of this title.

(3) Final judgment

The term "final judgment" means a judgment that is -

(A) not reviewed by any other court that has authority to review such judgment; or

(B) not reviewable by any other court.

(4) Indian tribe

The term "Indian tribe" means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined

in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) Institute

The term "Institute" means the Institute of Museum and Library Services established under section 9102 of this title.

(6) Museum and Library Services Board

The term "Museum and Library Services Board" means the National Museum and Library Services Board established under section 9105a of this title.

(7) Obscene

The term "obscene" means, with respect to a project, that -

(A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

(B) such project depicts or describes sexual conduct in a patently offensive way; and

(C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

(Pub. L. 94-462, title II, Sec. 202, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, Sec. 101, Sept. 25, 2003, 117 Stat. 992.)

#### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (4), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (Sec. 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### PRIOR PROVISIONS

A prior section 202 of Pub. L. 94-462 was classified to section 961 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

#### AMENDMENTS

2003 - Par. (1). Pub. L. 108-81, Sec. 101(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: "The term 'Commission' means the National Commission on Libraries and Information Science established under section 1502 of



this title."

Pars. (3) to (5). Pub. L. 108-81, Sec. 101(2)-(4), added pars. (3) and (4), redesignated former par. (3) as (5), and struck out heading and text of former par. (4). Text read as follows: "The term 'Museum Board' means the National Museum Services Board established under section 9175 of this title."

Pars. (6), (7). Pub. L. 108-81, Sec. 101(5), added pars. (6) and (7).

#### EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-81, title V, Sec. 506, Sept. 25, 2003, 117 Stat. 1005, provided that: "The amendments made by this Act [enacting sections 9105a and 9107 to 9109 of this title, amending this section, sections 956a, 974, 1503 to 1505, 9102, 9103, 9106, 9121 to 9123, 9131, 9134, 9141, 9162, 9171 to 9173, and 9176 of this title, and section 170 of Title 26, Internal Revenue Code, repealing sections 9174 and 9175 of this title, enacting provisions set out as a note under this section, and repealing provisions set out as notes under sections 9102, 9103, and 9105 of this title] shall take effect on the date of enactment of this Act [Sept. 25, 2003], except that the amendments made by sections 203, 204, and 305 of this Act [amending sections 9123, 9131, and 9176 of this title] shall take effect on October 1, 2003."

#### SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-81, Sec. 1, Sept. 25, 2003, 117 Stat. 991, provided that: "This Act [enacting sections 9105a and 9107 to 9109 of this title, amending this section, sections 956a, 974, 1503 to 1505, 9102, 9103, 9106, 9121 to 9123, 9131, 9134, 9141, 9162, 9171 to 9173, and 9176 of this title, and section 170 of Title 26, Internal Revenue Code, repealing sections 9174 and 9175 of this title, enacting provisions set out as notes under this section and section 956a of this title, and repealing provisions set out as notes under sections 9102, 9103, and 9105 of this title] may be cited as the 'Museum and Library Services Act of 2003'."

#### SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-128, Sec. 1, Dec. 1, 1997, 111 Stat. 2548, provided that: "This Act [amending sections 9105, 9122, 9131, 9133, 9161, and 9162 of this title] may be cited as the 'Museum and Library Services Technical and Conforming Amendments of 1997'."

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 701], Sept. 30, 1996, 110 Stat. 3009-233, 3009-293, provided that:

"This title [enacting this chapter, amending sections 1069b, 1504, 1505, 3441, 3473, 3489, 6621, 6645, 6648, 6649, 6813, 8091, 8102, and 8104 of this title, section 5315 of Title 5, Government Organization and Employees, section 276d-3 of former Title 40, Public Buildings, Property, and Works, section 214 of former Title 40, Appendix, section 3338 of Title 42, The Public Health and Welfare, section 254 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, and section 1666 of Title 48, Territories and Insular Possessions, repealing sections 351 to 386g, 1021 to 1047, 1221i, and 7001 to 7005 of this title, enacting provisions set out under this section and sections 9102, 9103, and 9105 of this title, and repealing provisions set out as notes under sections 351 and 1029 of this title] may be cited as the 'Museum and Library Services Act of 1996'."

#### SHORT TITLE

Pub. L. 94-462, title II, Sec. 201, as added by Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-293, provided that: "This title [enacting this chapter] may be cited as the 'Museum and Library Services Act'."

Pub. L. 94-462, title II, Sec. 211, as added by Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295, provided that: "This subtitle [subtitle B (Secs. 211-263) of title II of Pub. L. 94-462, enacting subchapter II of this chapter] may be cited as the 'Library Services and Technology Act'."

Pub. L. 94-462, title II, Sec. 271, as added by Pub. L. 108-81, title III, Sec. 306(2), Sept. 25, 2003, 117 Stat. 1002, provided that: "This subtitle [subtitle C (Secs. 271-276) of title II of Pub. L. 94-462, enacting subchapter III of this chapter] may be cited as the 'Museum Services Act'."

#### Sec. 9102. Institute of Museum and Library Services

##### (a) Establishment

There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

##### (b) Offices

The Institute shall consist of an Office of Museum Services and an Office of Library Services.

##### (c) Museum and Library Services Board

There shall be a National Museum and Library Services Board within the Institute, as provided under section 9105a of this title.

(Pub. L. 94-462, title II, Sec. 203, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, Sec. 102, Sept. 25, 2003, 117 Stat. 992.)

#### PRIOR PROVISIONS

A prior section 203 of Pub. L. 94-462 was classified to section 962 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

#### AMENDMENTS

2003 - Subsec. (b). Pub. L. 108-81, Sec. 102(1), struck out at end "There shall be a National Museum Services Board in the Office of Museum Services."

Subsec. (c). Pub. L. 108-81, Sec. 102(2), added subsec. (c).

#### TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES

Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 704], Sept. 30, 1996, 110 Stat. 3009-233, 3009-307, provided for transfer of functions from the Institute of Museum Services and the Library Program Office to Director of Institute of Museum and Library Services, prior to repeal by Pub. L. 108-81, title V, Sec. 505(b), Sept. 25, 2003, 117 Stat. 1004.

#### TRANSITION AND TRANSFER OF FUNDS

Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 707], Sept. 30, 1996, 110 Stat. 3009-233, 3009-311, required Director of the Office of Management and Budget to take appropriate measures to ensure orderly transition from activities previously administered by Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services, prior to repeal by Pub. L. 108-81, title V, Sec. 505(b), Sept. 25, 2003, 117 Stat. 1004.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9101 of this title.

#### SUBCHAPTER I - GENERAL PROVISIONS

Sec. 9103. Director of Institute

(a) Appointment

(1) In general

The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

(2) Term

The Director shall serve for a term of 4 years.

(3) Qualifications

Beginning with the first individual appointed to the position of Director after September 30, 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after September 30, 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

(b) Compensation

The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(c) Duties and powers

The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this chapter.

(d) Nondelegation

The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

(e) Coordination

The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that activities under subchapter II of this chapter are coordinated with activities under section 6383 of this title.

(f) Regulatory authority

The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this chapter.

(g) Application procedures

(1) In general

In order to be eligible to receive financial assistance under this chapter, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.

(2) Review and evaluation

The Director shall establish procedures for reviewing and evaluating applications submitted under this chapter. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this

chapter are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this chapter, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

(3) Treatment of projects determined to be obscene

(A) In general

The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without serious literary, artistic, political, or scientific merit, and is not protected speech.

(B) Prohibition

No financial assistance may be provided under this chapter with respect to any project that is determined to be obscene.

(C) Treatment of application disapproval

The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.

(Pub. L. 94-462, title II, Sec. 204, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, Sec. 103, Sept. 25, 2003, 117 Stat. 992.)

#### REFERENCES IN TEXT

This chapter, the second place it appears in subsec. (g)(2), was in the original "this Act" and was translated as reading "this title", meaning title II of Pub. L. 94-462, known as the Museum and Library Services Act, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

A prior section 204 of Pub. L. 94-462 was classified to section 963 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

#### AMENDMENTS

2003 - Subsec. (e). Pub. L. 108-81, Sec. 103(1), inserted at end "Where appropriate, the Director shall ensure that activities under subchapter II of this chapter are coordinated with activities under section 6383 of this title."

Subsecs. (f), (g). Pub. L. 108-81, Sec. 103(2), added subsecs. (f) and (g).

SERVICE OF INDIVIDUALS SERVING ON SEPTEMBER 30, 1996  
Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 705], Sept. 30, 1996, 110 Stat. 3009-233, 3009-311, which provided that the individual who was appointed to the position of Director of the Institute of Museum Services and was serving in such position on the day before Sept. 30, 1996, would serve, at the pleasure of the President, as the first Director of the Institute of Museum and Library Services, was repealed by Pub. L. 108-81, title V, Sec. 505(b), Sept. 25, 2003, 117 Stat. 1004.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9101 of this title.

#### Sec. 9104. Deputy Directors

The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

(Pub. L. 94-462, title II, Sec. 205, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295.)

#### PRIOR PROVISIONS

A prior section 205 of Pub. L. 94-462 was classified to section 964 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

#### Sec. 9105. Personnel

##### (a) In general

The Director may, in accordance with applicable provisions of title 5, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

##### (b) Appointment and compensation of technical and professional employees

###### (1) In general

Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5 governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such

title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.

(2) Number and compensation

The number of employees appointed and compensated under paragraph (1) shall not exceed 1/5 of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5.

(c) Voluntary services

The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5 for persons employed intermittently in Federal Government service.

(Pub. L. 94-462, title II, Sec. 206, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295; amended Pub. L. 105-128, Sec. 2, Dec. 1, 1997, 111 Stat. 2548.)

#### REFERENCES IN TEXT

The provisions of title 5 governing appointment in the competitive service, referred to in subsec. (b), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

#### PRIOR PROVISIONS

A prior section 206 of Pub. L. 94-462 was classified to section 965 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

#### AMENDMENTS

1997 - Subsecs. (b), (c). Pub. L. 105-128 added subsec. (b) and redesignated former subsec. (b) as (c).

#### CONSIDERATION GIVEN TO INDIVIDUALS WITH EXPERIENCE

Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 706], Sept. 30, 1996, 110 Stat. 3009-233, 3009-311, required Director of the Institute of Museum and Library Services to give strong consideration to individuals with experience in administering State-based and national library and information services programs when appointing employees of the Office of

Library Services, prior to repeal by Pub. L. 108-81, title V, Sec. 505(b), Sept. 25, 2003, 117 Stat. 1004.

## Sec. 9105a. National Museum and Library Services Board

### (a) Establishment

There is established within the Institute a board to be known as the "National Museum and Library Services Board".

### (b) Membership

#### (1) Number and appointment

The Museum and Library Services Board shall be composed of the following:

(A) The Director.

(B) The Deputy Director for the Office of Library Services.

(C) The Deputy Director for the Office of Museum Services.

(D) The Chairman of the National Commission on Libraries and Information Science.

(E) Ten members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries.

(F) Ten members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.

#### (2) Special qualifications

##### (A) Library members

Of the members of the Museum and Library Services Board appointed under paragraph (1)(E) -

(i) five shall be professional librarians or information specialists, of whom -

(I) not less than one shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

(II) not less than one other shall be knowledgeable about the library and information service needs of underserved communities; and

(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

##### (B) Museum members



Of the members of the Museum and Library Services Board appointed under paragraph (1)(F) -

(i) five shall be museum professionals who are or have been affiliated with -

(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States;

or  
(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

(3) Geographic and other representation

Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than three appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

(4) Voting

The Director, the Deputy Director of the Office of Library Services, the Deputy Director of the Office of Museum Services, and the Chairman of the National Commission on Library and Information Science shall be nonvoting members of the Museum and Library Services Board.

(c) Terms

(1) In general

Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) of this section shall serve for a term of 5 years.

(2) Initial Board appointments

(A) Treatment of members serving on effective date

Notwithstanding subsection (b) of this section, each individual who is a member of the National Museum Services Board on September 25, 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

### (B) First appointments

Notwithstanding subsection (b) of this section, any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E) of this section. When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the board shall be appointed in accordance with subsection (b) of this section.

### (C) Authority to adjust terms

The terms of the first members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than four members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

### (3) Vacancies

Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

### (4) Reappointment

No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

### (5) Service until successor takes office

Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

### (d) Duties and powers

#### (1) In general

The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this chapter.

#### (2) National awards

The Museum and Library Services Board shall advise the Director in making awards under section 9107 of this title.

### (e) Chairperson

The Director shall serve as Chairperson of the Museum and Library Services Board.

(f) Meetings

(1) In general

The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

(2) Vote

All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

(g) Quorum

A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

(h) Compensation and travel expenses

(1) Compensation

Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.

(2) Travel expenses

Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5.

(i) Coordination

The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

(Pub. L. 94-462, title II, Sec. 207, as added Pub. L. 108-81, title I, Sec. 104(2), Sept. 25, 2003, 117 Stat. 993.)

PRIOR PROVISIONS

A prior section 207 of Pub. L. 94-462 was renumbered section 208 and is classified to section 9106 of this title.

Another prior section 207 of Pub. L. 94-462 was classified to section 966 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9101, 9102 of this title.

#### Sec. 9106. Contributions

The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special-interest bearing account to the credit of the Institute for the purposes specified in each case.

(Pub. L. 94-462, title II, Sec. 208, formerly Sec. 207, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295; renumbered Sec. 208 and amended Pub. L. 108-81, title I, Sec. 104(1), title V, Sec. 504(e), Sept. 25, 2003, 117 Stat. 993, 1004.)

#### AMENDMENTS

2003 - Pub. L. 108-81, Sec. 504(e), which directed substitution of "property or services" for "property of services", could not be executed because the words "property or services" did not appear in text.

#### Sec. 9107. Awards

The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

(Pub. L. 94-462, title II, Sec. 209, as added Pub. L. 108-81, title I, Sec. 105, Sept. 25, 2003; 117 Stat. 996.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9105a of this title.

## Sec. 9108. Analysis of impact of museum and library services

From amounts described in sections 9123(c) and 9176(b) of this title, the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses -

- (1) shall be conducted in ongoing consultation with -
  - (A) State library administrative agencies;
  - (B) State, regional, and national library and museum organizations; and
  - (C) other relevant agencies and organizations;
- (2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subchapters II and III of this chapter;
- (3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and
- (4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).

(Pub. L. 94-462, title II, Sec. 210, as added Pub. L. 108-81, title I, Sec. 105, Sept. 25, 2003, 117 Stat. 996.)

## Sec. 9109. Prohibition on use of funds for construction

No funds appropriated to carry out this chapter, subchapter II of this chapter, or subchapter III of this chapter may be used for construction expenses.

(Pub. L. 94-462, title II, Sec. 210A, as added Pub. L. 108-81, title I, Sec. 105, Sept. 25, 2003, 117 Stat. 997.)

## **SUBCHAPTER II - LIBRARY SERVICES AND TECHNOLOGY**

### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 9103, 9108, 9109 of this title; title 47 section 254.

## Sec. 9121. Purpose

It is the purpose of this subchapter -

- (1) to consolidate Federal library service programs;
- (2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;

- (3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and
- (4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.

(Pub. L. 94-462, title II, Sec. 212, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295; amended Pub. L. 108-81, title II, Sec. 201, Sept. 25, 2003, 117 Stat. 997.)

#### AMENDMENTS

- 2003 - Pars. (2) to (5). Pub. L. 108-81 added pars. (2) to (4) and struck out former pars. (2) to (5) which read as follows:
- "(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;
  - "(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;
  - "(4) to provide linkages among and between libraries; and
  - "(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills."

#### Sec. 9122. Definitions

As used in this subchapter:

##### (1) Library

The term "library" includes -

- (A) a public library;
- (B) a public elementary school or secondary school library;
- (C) an academic library;
- (D) a research library, which for the purposes of this subchapter means a library that -
  - (i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and
  - (ii) is not an integral part of an institution of higher education; and

(E) a private library or other special library, but only if the State in which such private or special library is located

determines that the library should be considered a library for purposes of this subchapter.

(2) Library consortium

The term "library consortium" means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

(3) State

The term "State", unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(4) State library administrative agency

The term "State library administrative agency" means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

(5) State plan

The term "State plan" means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subchapter, provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subchapter, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subchapter.

(Pub. L. 94-462, title II, Sec. 213, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-296; amended Pub. L. 105-128, Sec. 3, Dec. 1, 1997, 111 Stat. 2548; Pub. L. 108-81, title II, Sec. 202, Sept. 25, 2003, 117 Stat. 997.)

## AMENDMENTS

2003 - Pars. (1) to (6). Pub. L. 108-81 redesignated pars. (2) to (6) as (1) to (5), respectively, and struck out heading and text of former par. (1). Text read as follows: "The term 'Indian tribe' means any tribe, band, nation, or other organized group or

community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." 1997 - Par. (2)(E). Pub. L. 105-128 inserted "or other special library" after "a private library" and "or special" after "such private".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9134 of this title; title 26 section 170.

#### Sec. 9123. Authorization of appropriations

##### (a) In general

There are authorized to be appropriated to carry out this subchapter \$232,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.

##### (b) Forward funding

###### (1) In general

To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants, contracts, or other payments under any program under this subchapter are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

###### (2) Additional authorization of appropriations

In order to effect a transition to the timing of appropriation action authorized by subsection (a) of this section, the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subchapter (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

##### (c) Administration

Not more than 3.5 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subchapter.

(Pub. L. 94-462, title II, Sec. 214, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-296; amended Pub. L. 108-81, title II, Sec.



## AMENDMENTS

2003 - Subsec. (a). Pub. L. 108-81, Sec. 203(1), added subsec.

(a) and struck out heading and text of former subsec. (a). Text read as follows:

"(1) In general. - There are authorized to be appropriated \$150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subchapter.

"(2) Transfer. - The Secretary of Education shall -

"(A) transfer promptly to the Director any funds appropriated under the authority of paragraph (1), to enable the Director to carry out this subchapter; and

"(B) not exercise any authority concerning the administration of this chapter other than the transfer described in subparagraph (A)."

Subsec. (c). Pub. L. 108-81, Sec. 203(2), substituted "3.5 percent" for "3 percent".

## EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9108, 9131, 9133, 9141 of this title.

## PART 1 - BASIC PROGRAM REQUIREMENTS

### Sec. 9131. Reservations and allotments

#### (a) Reservations

##### (1) In general

From the amount appropriated under the authority of section 9123 of this title for any fiscal year, the Director -

(A) shall reserve 1.75 percent to award grants in accordance with section 9161 of this title; and

(B) shall reserve 3.75 percent to award national leadership grants or contracts in accordance with section 9162 of this title.

##### (2) Special rule

If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) of

this section for the fiscal year succeeding the fiscal year for which the funds were so reserved.

(b) Allotments

(1) In general

From the sums appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph

(2).

(2) Remainder

From the remainder of any sums appropriated under the authority of section 9123 of this title that are not reserved under subsection (a) of this section and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

(3) Minimum allotments

(A) In general

For purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) Ratable reductions

Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

(C) Exception

(i) In general

Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 -

- (I) the minimum allotment for each State otherwise receiving a minimum allotment of \$340,000 under subparagraph (A) shall be increased to \$680,000; and
- (II) the minimum allotment for each State otherwise

receiving a minimum allotment of \$40,000 under subparagraph (A) shall be increased to \$60,000.

(ii) Insufficient funds to award alternative minimum

If the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above \$340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above \$40,000.

(D) Special rule

(i) In general

Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subchapter in accordance with the provisions of this subchapter that the Director determines are not inconsistent with this subparagraph.

(ii) Award basis

The Director shall award grants pursuant to clause (i) on a competitive basis and after taking into consideration available recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(iii) Administrative costs

The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

(4) Data

The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

(Pub. L. 94-462, title II, Sec. 221, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-297; amended Pub. L. 105-128, Sec. 4, Dec. 1, 1997, 111 Stat. 2548; Pub. L. 108-81, title II, Sec. 204, Sept. 25, 2003, 117 Stat. 997.)

## AMENDMENTS

2003 - Subsec. (b)(3). Pub. L. 108-81 amended heading and text of par. (3) generally. Prior to amendment, text read as follows:

"(A) In general. - For the purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(B) Ratable reductions. - If the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

"(C) Special rule. -

"(i) In general. - Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subchapter in accordance with the provisions of this subchapter that the Director determines are not inconsistent with this subparagraph.

"(ii) Award basis. - The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) Termination of eligibility. - Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001.

"(iv) Administrative costs. - The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under

this subparagraph."

1997 - Subsec. (a)(1)(A). Pub. L. 105-128, Sec. 4(1), substituted "1.75 percent" for "1 1/2 percent".

Subsec. (a)(1)(B). Pub. L. 105-128, Sec. 4(2), substituted "3.75 percent" for "4 percent".

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9161, 9162 of this title.

#### Sec. 9132. Administration

##### (a) In general

Not more than 4 percent of the total amount of funds received under this subchapter for any fiscal year by a State may be used for administrative costs.

##### (b) Construction

Nothing in this section shall be construed to limit spending for evaluation costs under section 9134(c) of this title from sources other than this subchapter.

(Pub. L. 94-462, title II, Sec. 222, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-298.)

#### Sec. 9133. Payments; Federal share; and maintenance of effort requirements

##### (a) Payments

Subject to appropriations provided pursuant to section 9123 of this title, the Director shall pay to each State library administrative agency having a State plan approved under section 9134 of this title the Federal share of the cost of the activities described in the State plan.

##### (b) Federal share

###### (1) In general

The Federal share shall be 66 percent.

###### (2) Non-Federal share

The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

##### (c) Maintenance of effort

###### (1) State expenditures

(A) Requirement

(i) In general

The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this part shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction -

(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

(ii) Calculation

Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

(B) Decrease in Federal support

If the amount made available under this subchapter for a fiscal year is less than the amount made available under this subchapter for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(2) Level of State expenditures

The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subchapter. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

(3) Waiver

The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural

disaster or a precipitous and unforeseen decline in the financial resources of the State.

(Pub. L. 94-462, title II, Sec. 223, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-299; amended Pub. L. 105-128, Sec. 5, Dec. 1, 1997, 111 Stat. 2549.)

#### AMENDMENTS

1997 - Subsec. (c)(1)(A)(i). Pub. L. 105-128 amended second sentence generally. Prior to amendment, second sentence read as follows: "The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made."

#### Sec. 9134. State plans

##### (a) State plan required

###### (1) In general

In order to be eligible to receive a grant under this subchapter, a State library administrative agency shall submit a State plan to the Director once every 5 years, as determined by the Director.

###### (2) Duration

The State plan shall cover a period of 5 fiscal years.

###### (3) Revisions

If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

##### (b) Contents

The State plan shall -

(1) establish goals, and specify priorities, for the State consistent with the purposes of this subchapter;

(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subchapter, and section 9141 of this title, that the State library administrative agency will carry out during such year using such grant;

(3) describe the procedures that such agency will use to carry

- out the activities described in paragraph (2);
- (4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);
- (5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subchapter;
- (6) provide assurances that the State will comply with subsection (f) of this section; and
- (7) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subchapter and to determine the extent to which funds provided under this subchapter have been effective in carrying out the purposes of this subchapter.

(c) Evaluation and report

Each State library administrative agency receiving a grant under this subchapter shall independently evaluate, and report to the Director regarding, the activities assisted under this subchapter, prior to the end of the 5-year plan.

(d) Information

Each library receiving assistance under this subchapter shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c) of this section.

(e) Approval

(1) In general

The Director shall approve any State plan under this subchapter that meets the requirements of this subchapter and provides satisfactory assurances that the provisions of such plan will be carried out.

(2) Public availability

Each State library administrative agency receiving a grant under this subchapter shall make the State plan available to the public.

(3) Administration

If the Director determines that the State plan does not meet the requirements of this section, the Director shall -

(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(B) offer the State library administrative agency the opportunity to revise its State plan;

(C) provide technical assistance in order to assist the State



library administrative agency in meeting the requirements of this section; and

(D) provide the State library administrative agency the opportunity for a hearing.

(f) Internet safety

(1) In general

No funds made available under this subchapter for a library described in section 9122(1)(A) or (B) of this title that does not receive services at discount rates under section 254(h)(6) of title 47 may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless -

(A) such library -

(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are -

(I) obscene;

(II) child pornography; or

(III) harmful to minors; and

(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(B) such library -

(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are -

(I) obscene; or

(II) child pornography; and

(ii) is enforcing the operation of such technology protection measure during any use of such computers.

(2) Access to other materials

Nothing in this subsection shall be construed to prohibit a library from limiting Internet access to or otherwise protecting against materials other than those referred to in subclauses (I), (II), and (III) of paragraph (1)(A)(i).

(3) Disabling during certain use

An administrator, supervisor, or other authority may disable a technology protection measure under paragraph (1) to enable

access for bona fide research or other lawful purposes.

(4) Timing and applicability of implementation

(A) In general

A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under this subchapter following the effective date of this subsection, and for each subsequent program funding year thereafter.

(B) Process

(i) Libraries with Internet safety policies and technology protection measures in place

A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this subchapter.

(ii) Libraries without Internet safety policies and technology protection measures in place

A library covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1) -

(I) for the first program year after the effective date of this subsection in which the library applies for funds under this subchapter, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

(II) for the second program year after the effective date of this subsection in which the library applies for funds under this subchapter, shall certify that such library is in compliance with such requirements.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this subchapter for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

(iii) Waivers

Any library subject to a certification under clause (ii)(II) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The library

shall notify the Director of the Institute of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under this subchapter.

(5) Noncompliance

(A) Use of General Education Provisions Act remedies

Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds this (!1) subchapter is failing to comply substantially with the requirements of this subsection, the Director may -

(i) withhold further payments to the recipient under this subchapter,

(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements.

(B) Recovery of funds prohibited

The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a library to comply substantially with a provision of this subsection, and the Director shall not seek a recovery of funds from the recipient for such failure.

(C) Resumption of payments

Whenever the Director determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Director shall cease the withholding of payments to the recipient under that subparagraph.

(6) Separability

If any provision of this subsection is held invalid, the remainder of this subsection shall not be affected thereby.

(7) Definitions

In this subsection:

(A) Child pornography

The term "child pornography" has the meaning given such term in section 2256 of title 18.

(B) Harmful to minors

The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that -

- (i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(C) Minor

The term "minor" means an individual who has not attained the age of 17.

(D) Obscene

The term "obscene" has the meaning applicable to such term in section 1460 of title 18.

(E) Sexual act; sexual contact

The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18.

(Pub. L. 94-462, title II, Sec. 224, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-300; amended Pub. L. 106-554, Sec. 1(a)(4) [div. B, title XVII, Sec. 1712(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-340; Pub. L. 108-81, title II, Sec. 205, title V, Sec. 504(f), Sept. 25, 2003, 117 Stat. 999, 1004.)

#### REFERENCES IN TEXT

For the effective date of this subsection, referred to in subsec.

(f)(4), as 120 days after Dec. 21, 2000, see Sec. 1(a)(4) [div. B, title XVII, Sec. 1712(b)] of Pub. L. 106-554, set out as an Effective Date of 2000 Amendment note below.

The General Education Provisions Act, referred to in subsec.

(f)(5)(A), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, as amended, which is classified generally to chapter 31 (Sec. 1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

#### AMENDMENTS

2003 - Subsec. (a)(1). Pub. L. 108-81, Sec. 205(1), substituted "once every 5 years, as determined by the Director." for "not later than April 1, 1997."

Subsec. (b)(5). Pub. L. 108-81, Sec. 504(f), struck out "and" at end.

Subsec. (f). Pub. L. 108-81, Sec. 205(2)(A), substituted "this subchapter" for "this chapter" wherever appearing.

Subsec. (f)(1). Pub. L. 108-81, Sec. 205(2)(B), substituted "section 9122(1)(A) or (B)" for "9122(2)(A) or (B)" and made technical amendment to reference in original act which appears in text as reference to section 254(h)(6) of title 47.

Subsec. (f)(7). Pub. L. 108-81, Sec. 205(2)(C)(i), substituted "subsection:" for "section:" in introductory provisions.

Subsec. (f)(7)(D). Pub. L. 108-81, Sec. 205(2)(C)(ii), substituted "applicable to" for "given".

2000 - Subsec. (b)(6), (7). Pub. L. 106-554, Sec. 1(a)(4) [div. B, title XVII, Sec. 1712(a)(1)], added par. (6) and redesignated former par. (6) as (7).

Subsec. (f). Pub. L. 106-554, Sec. 1(a)(4) [div. B, title XVII, Sec. 1712(a)(2)], added subsec. (f).

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-554, Sec. 1(a)(4) [div. B, title XVII, Sec. 1712(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-343, provided that: "The amendment made by this section [amending this section] shall take effect 120 days after the date of the enactment of this Act [Dec. 21, 2000]."

#### AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES

Pub. L. 106-554, Sec. 1(a)(4) [div. B, title XVII, Sec. 1721(g)], Dec. 21, 2000, 114 Stat. 2763, 2763A-350, provided that:

"(1) In general. - Notwithstanding any other provision of law, funds available under section 3134 [former 20 U.S.C. 6844] or part A of title VI of the Elementary and Secondary Education Act of 1965 [former 20 U.S.C. 7311 et seq.], or under section 231 of the Library Services and Technology Act [20 U.S.C. 9141], may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title [see Short Title of 2000 Amendments note set out under section 6301 of this title] and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

"(2) Technology protection measure defined. - In this section, the term 'technology protection measure' has the meaning given that term in section 1703 [set out as a note under section 902 of Title 47, Telegraphs, Telephones, and Radiotelegraphs]."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9132, 9133 of this title.

-FOOTNOTE-

(!1) So in original. Probably should be preceded by "under".

## PART 2 - LIBRARY PROGRAMS

### Sec. 9141. Grants to States

#### (a) In general

Of the funds provided to a State library administrative agency under section 9123 of this title, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for -

- (1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;
- (2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;
- (3) providing electronic and other linkages among and between all types of libraries;
- (4) developing public and private partnerships with other agencies and community-based organizations;
- (5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and
- (6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.

#### (b) Special rule

Each State library administrative agency receiving funds under this part may apportion the funds available for the purposes described in subsection (a) of this section among such purposes, as appropriate, to meet the needs of the individual State.

(Pub. L. 94-462, title II, Sec. 231, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-301; amended Pub. L. 108-81, title II, Sec. 206, Sept. 25, 2003, 117 Stat. 999.)

## AMENDMENTS

2003 - Subsec. (a)(1) to (6). Pub. L. 108-81, Sec. 206(1), added

pars. (1) to (6) and struck out former pars. (1) and (2) which read as follows:

"(1)(A) establishing or enhancing electronic linkages among or between libraries;

"(B) electronically linking libraries with educational, social, or information services;

"(C) assisting libraries in accessing information through electronic networks;

"(D) encouraging libraries in different areas, and encouraging different types of libraries, to establish consortia and share resources; or

"(E) paying costs for libraries to acquire or share computer systems and telecommunications technologies; and

"(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved."

Subsec. (b). Pub. L. 108-81, Sec. 206(2), substituted "among such purposes," for "between the two purposes described in paragraphs (1) and (2) of such subsection,".

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9134, 9161 of this title.

## PART 3 - ADMINISTRATIVE PROVISIONS

### SUBPART A - STATE REQUIREMENTS

#### Sec. 9151. State advisory councils

Each State desiring assistance under this subchapter may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities.

(Pub. L. 94-462, title II, Sec. 251, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-301.)

### SUBPART B - FEDERAL REQUIREMENTS

#### Sec. 9161. Services for Native Americans

<http://www.ims.gov/about/20usc.htm>

9/24/07

- States may use it directly  
or as subgrants

Must have State  
Council

- National Leadership grants  
contracts a cooperative agree

b - expand services for learning & access to  
information & educational resources  
in a variety of formats, in all  
types of libraries, for individuals of  
all ages.

learning &  
access to  
info & edu. resource

- ~~dev. library services~~  
electronic networks

- linkages among libraries  
- electronic & others

- target <sup>lib services</sup>  
- diverse geographic, cultural,  
socioeconomic backgrounds  
- ind. w/ disabilities  
- ind. w/ functional literacy / information skills

- Target lib/information services to:

- persons having difficulty using  
a library

- underserved urban & rural communities  
Inc. - children birth-17 from families  
whose income is below poverty level



From amounts reserved under section 9131(a)(1)(A) of this title for any fiscal year the Director shall award grants to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 7517 of this title) to enable such tribes and organizations to carry out the activities described in section 9141 of this title.

(Pub. L. 94-462, title II, Sec. 261, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; amended Pub. L. 105-128, Sec. 6, Dec. 1, 1997, 111 Stat. 2549; Pub. L. 107-110, title VII, Sec. 702(d), Jan. 8, 2002, 115 Stat. 1947.)

#### AMENDMENTS

2002 - Pub. L. 107-110 substituted "7517" for "7912".

1997 - Pub. L. 105-128 substituted "Native Americans" for "Indian tribes" in section catchline and in text substituted "to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 7912 of this title) to enable such tribes and organizations" for "to organizations primarily serving and representing Indian tribes to enable such organizations".

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9131 of this title.

Sec. 9162. National leadership grants, contracts, or cooperative agreements

#### (a) In general

From the amounts reserved under section 9131(a)(1)(B) of this title for any fiscal year the Director shall establish and carry out a program of awarding grants or entering into contracts or cooperative agreements to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants, contracts, and cooperative agreements shall be used for activities that may include -

(1) education, recruitment, and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships,

traineeships, institutes, or other programs;  
(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;  
(3) preserving or digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project; and  
(4) model programs demonstrating cooperative efforts between libraries and museums.

(b) Grants, contracts, or cooperative agreements

(1) In general

The Director may carry out the activities described in subsection (a) of this section by awarding grants to, or entering into contracts or cooperative agreements with, libraries, agencies, institutions of higher education, or museums, where appropriate.

(2) Competitive basis

Grants, contracts, and cooperative agreements under this section shall be awarded on a competitive basis.

(c) Special rule

The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

(Pub. L. 94-462, title II, Sec. 262, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; amended Pub. L. 105-128, Secs. 7, 8, Dec. 1, 1997, 111 Stat. 2549, 2550; Pub. L. 108-81, title II, Sec. 207, title V, Sec. 504(g), Sept. 25, 2003, 117 Stat. 1000, 1004.)

## AMENDMENTS

2003 - Subsec. (a)(1). Pub. L. 108-81, Sec. 207, substituted "education, recruitment, and training" for "education and training".

Subsec. (b)(1). Pub. L. 108-81, Sec. 504(g), substituted "cooperative agreements with," for "cooperative agreements, with,".

1997 - Pub. L. 105-128, Sec. 7(1), substituted section catchline for former catchline which read as follows: "National leadership grants or contracts".

Subsec. (a). Pub. L. 105-128, Sec. 7(2), in introductory provisions, substituted "program of awarding grants or entering into contracts or cooperative agreements" for "program awarding

national leadership grants or contracts" and "Such grants, contracts, and cooperative agreements" for "Such grants or contracts".

Subsec. (a)(3). Pub. L. 105-128, Sec. 8, substituted "preserving or digitization" for "preservation of digitization".

Subsec. (b). Pub. L. 105-128, Sec. 7(3)(A), substituted heading for former heading which read as follows: "Grants or contracts".

Subsec. (b)(1). Pub. L. 105-128, Sec. 7(3)(B), inserted "or cooperative agreements," after "contracts".

Subsec. (b)(2). Pub. L. 105-128, Sec. 7(3)(C), substituted "Grants, contracts, and cooperative agreements" for "Grants and contracts".

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9131 of this title.

### Sec. 9163. State and local initiatives

Nothing in this subchapter shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subchapter, the determination of the best uses of the funds provided under this subchapter, shall be reserved for the States and their local subdivisions.

(Pub. L. 94-462, title II, Sec. 263, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302.)

## SUBCHAPTER III - MUSEUM SERVICES

### Sec. 9171. Purpose

It is the purpose of this subchapter -

- (1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;
- (2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;
- (3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;
- (4) to assist, encourage, and support museums in carrying out

their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.

(Pub. L. 94-462, title II, Sec. 272, formerly Sec. 271, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; renumbered Sec. 272 and amended Pub. L. 108-81, title III, Secs. 301, 306(1), Sept. 25, 2003, 117 Stat. 1000, 1002.)

#### PRIOR PROVISIONS

A prior section 272 of Pub. L. 94-462 was renumbered section 273 and is classified to section 9172 of this title.

#### AMENDMENTS

2003 - Pub. L. 108-81, Sec. 301, amended section catchline and text generally. Prior to amendment, text read as follows: "It is the purpose of this subchapter -

"(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

"(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

"(3) to ease the financial burden borne by museums as a result of their increasing use by the public."

#### Sec. 9172. Definitions

As used in this subchapter:

##### (1) Museum

The term "museum" means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a

regular basis. Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.

(2) State

The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(Pub. L. 94-462, title II, Sec. 273, formerly Sec. 272, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-303; renumbered Sec. 273 and amended Pub. L. 108-81, title III, Secs. 302, 306(1), Sept. 25, 2003, 117 Stat. 1000, 1002.)

#### PRIOR PROVISIONS

A prior section 273 of Pub. L. 94-462 was renumbered section 274 and is classified to section 9173 of this title.

#### AMENDMENTS

2003 - Par. (1). Pub. L. 108-81, Sec. 302, inserted at end: "Such term includes aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks."

#### Sec. 9173. Museum services activities

(a) In general

The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums and other entities as the Director considers appropriate, to pay the Federal share of the cost of -

- (1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;
- (2) supporting museums in building learning partnerships with

the Nation's schools and developing museum resources and programs in support of State and local school curricula;

(3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

(4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

(5) encouraging the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

(6) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

(7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

(8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

(9) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

(10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

(b) Federal share

(1) 50 percent

Except as provided in paragraph (2), the Federal share described in subsection (a) of this section shall be not more than 50 percent.

(2) Greater than 50 percent

The Director may use not more than 20 percent of the funds made available under this subchapter for a fiscal year to enter into arrangements under subsection (a) of this section for which the Federal share may be greater than 50 percent.

(3) Operational expenses

No funds for operational expenses may be provided under this section to any entity that is not a museum.

(c) Review and evaluation

(1) In general

The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) of this section entered into under this subchapter.

(2) Applications for technical assistance

(A) In general

The Director may use not more than 10 percent of the funds appropriated to carry out this subchapter for technical assistance awards.

(B) Individual museums

Individual museums may receive not more than 3 technical assistance awards under subparagraph (A), but subsequent awards for technical assistance shall be subject to review outside the Institute.

(d) Services for Native Americans

From amounts appropriated under section 9176 of this title, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7517 of this title), to enable such tribes and organizations to carry out the activities described in subsection (a) of this section.

(Pub. L. 94-462, title II, Sec. 274, formerly Sec. 273, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-303; renumbered Sec. 274 and amended Pub. L. 108-81, title III, Secs. 303, 306(1), Sept. 25, 2003, 117 Stat. 1000, 1002.)

#### PRIOR PROVISIONS

A prior section 274 of Pub. L. 94-462 was classified to section 9174 of this title, prior to repeal by Pub. L. 108-81.

#### AMENDMENTS

2003 - Pub. L. 108-81, Sec. 303, amended section catchline and text generally. Prior to amendment, section contained provisions which in subsec. (a) authorized the Director to make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, in subsec. (b) authorized the Director to enter into contracts and cooperative agreements with appropriate entities to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, in subsec. (c) established the Federal share, and in subsec. (d) required the Director to establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements entered into under this subchapter.

Secs. 9174, 9175. Repealed. Pub. L. 108-81, title III, Sec. 304, Sept. 25, 2003, 117 Stat. 1002

Section 9174, Pub. L. 94-462, title II, Sec. 274, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-304, related to National Award for Museum Service.

Section 9175, Pub. L. 94-462, title II, Sec. 275, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-304, related to National Museum Services Board.

## Sec. 9176. Authorization of appropriations

### (a) Grants

For the purpose of carrying out this subchapter, there are authorized to be appropriated to the Director \$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.

### (b) Administration

Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subchapter.

### (c) Sums remaining available

Sums appropriated pursuant to subsection (a) of this section for any fiscal year shall remain available for obligation until expended.

(Pub. L. 94-462, title II, Sec. 275, formerly Sec. 276, as added Pub. L. 104-208, div. A, title I, Sec. 101(e) [title VII, Sec. 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-306; renumbered Sec. 275 and amended Pub. L. 108-81, title III, Sec. 305, Sept. 25, 2003, 117 Stat. 1002.)

## PRIOR PROVISIONS

A prior section 275 of Pub. L. 94-462 was classified to section 9175 of this title, prior to repeal by Pub. L. 108-81.

## AMENDMENTS

2003 - Subsec. (a). Pub. L. 108-81, Sec. 305(1), substituted "\$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009." for "\$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002."

## EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.



**SECTION REFERRED TO IN OTHER SECTIONS**

**This section is referred to in sections 9108, 9173 of this title.**

## **Walk in Wireless - Wi-Fi Hotspot**

1. What is Walk In Wireless (WIW)?
2. How do you access WIW in the Maine State Library?
3. Can I print when I'm on the wireless network?
4. What is meant by an open network?
5. Where can I find other wireless Maine Public Libraries?

### **1. What is Walk In Wireless (WIW)?**

WIW is wireless Internet access on your laptop or PDA!

### **2. How do you access WIW in the Maine State Library?**

Users must have a **wireless card** already installed in their laptop/notebook, PDA or wireless device in order to log-on to the wireless network. Maine State Library supports 802.11a, 802.11b, and 802.11g.

Users must agree to the Maine State Library Wireless Computer Usage Agreement. Noncompliance with these rules will result in the user being held liable for any damages incurred and the user's WIW access privileges will be revoked.

The State Library staff does not provide any technical assistance for connecting or configuring the wireless device; this is solely the responsibility of the user.

### **3. Can I print when I'm on the wireless network?**

No, printing is not available through the WIW network.

### **4. What is meant by an open network?**

Maine State Library's wireless network is an "open" network. Any information transmitted or received through this network is unencrypted and unsecured. There is:

- **No software filtering**
- **No blocking of ports**
- **No protection against spammers, viruses, worms or Trojan horses**

Maine State Library will not be held responsible for any damages, direct or indirect, to your laptop/notebook, PDA or other wireless device, occurring as a result of the use of our electronic resources.

The Maine State Library (MSL) offers wireless Internet access free to all of its patrons and visitors. However, wireless users, like all other users of Maine State Library computer resources, must be aware of and comply with the conditions governing their use. Failure to comply with these conditions may result in being barred from further use of the wireless network and/or being fined for any damage caused to MSL's system.

## **5. Where can I find information on other wireless Maine Public Libraries?**

- List of current libraries with wireless access

## **Computer Usage Agreement**

Acceptance of the conditions below is a requirement for access to the MSL wireless network.

### **Conditions for Use of Maine State Library Wireless Network**

- I understand that the MSL wireless network is an “open network” which means that information transmitted on this network is unencrypted and unsecured.
- I further understand that connecting to the MSL Wireless Network is at my own risk and I agree that the Maine State Library shall have no liability for any damages, direct or indirect, occurring as a result of the use of MSL electronic resources.
- I understand that Maine State Library staff do not provide any technical assistance for wireless connectivity and that I am solely responsible for connecting and configuring my own equipment.
- I agree that I will not use MSL computer resources unlawfully. This includes, but is not limited to, using MSL resources to violate copyright agreements, harass others through the Internet, or exploit security holes in computers or networks.
- I agree not tamper with MSL systems or settings in any way, nor will I save or download programs or files to the network.
- I understand that I will be using my electronic equipment in a public area and that privacy can not be guaranteed. I agree not to view sexually graphic and/or explicit material, as this is prohibited on Maine State Library computers.
- I agree that if I do not comply with these rules, I will be held liable for any damage my actions may cause and understand that my privilege to use the Maine State Library's wireless computer resources may be revoked.

# Maine: Maine School & Library Network

**Total E-Rate Funding: \$14,421,491.15 • Program Year 2006 Discount Rate: 63%**

As Janet McKenney, the E-Rate Coordinator for the Maine Schools & Libraries Network (MSLN), puts it: "In Maine, we have so many great things going on, but you've got to have everybody connected or it doesn't work." From Maine's groundbreaking one-to-one laptop initiative in all its schools to its wireless connected libraries, Ms. McKenney is certainly correct that Maine is a cutting-edge technology state and that its ambitious technology initiatives require a strong effort to connect everyone. Fortunately, MSLN has great E-Rate program support to help these and many other crucial educational and community-oriented technology initiatives succeed.

Maine's large geographic size, widely dispersed population, mountain ranges and remote islands conspire to make travel and communication challenging. Be that as it may, the Maine School & Libraries Network has taken up the cause of networking the state's 272 libraries, which serve 1.3 million Maine citizens, and its 804 public and private schools, which matriculate 198,000 students. Established by the state Public Utilities Commission in 1995 and initially funded through the proceeds of a telephone rate settlement case, MSLN turned to the E-Rate for support in 2001 when the rate settlement funds ran dry. Since then, MSLN has received more than \$14 million in E-Rate support, which it is using to provide all schools

and libraries with a minimum of T1 level connectivity. According to Linda Lord, Deputy State Librarian for the Maine State Library, "The E-Rate saved-us. Every major initiative we have rides on us being connected and our connectivity rides on the E-Rate."

Beyond supporting the statewide laptop initiative, MSLN's E-Rate support delivers exceptional distance learning opportunities to Maine's students that would not be available by any other means. For instance, the state's public schools have very few teachers qualified to teach Japanese. With E-Rate supported high-speed Internet access and videoconferencing technologies, all of the

*"The E-Rate saved-us. Every major initiative we have rides on us being connected and our connectivity rides on the E-Rate."*

state's high school students now have the option of taking fully interactive classes in Japanese I and II from a Farmingdale, Maine teacher. Additionally, the Maine Distance Learning project is using advanced video-confer-

encing technology (ATM) to target special education students and students with disabilities in their home schools. Currently, the project uses its ATM technology to offer access to courses from the Baxter School for the Deaf to students across the state.

Maine's libraries also play critical roles for their patrons, many of whom have no high speed internet access in their homes. According to Ms. Lord, one college student, lacking home Internet access on isolated Cranberry Island, actually was permitted to sleep in the local library while she completed a paper. Ms. McKenney points to the positive impact on tourism, an important part of Maine's economy, that high speed Internet access in libraries is having: "Tourists who needed to rely on the Internet for business purposes often had to leave early. Now, they can use our library connections and stay longer." In sum, according to Ms. McKenney, "Our libraries are becoming the gathering places for their communities. We are really filling a need here." And the E-Rate is helping them do it. ●