

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**MAINE STATE MUSEUM  
and  
MAINE STATE MUSEUM COMMISSION**

**GOVERNMENT EVALUATION ACT  
PROGRAM EVALUATION REPORT  
2007**

*The mission of the Maine Museum is to educate and inspire Maine's people and visitors by collecting, preserving, researching, and exhibiting objects of Maine's natural and cultural heritage. We do this to promote an understanding of, and respect for the past, which is essential for Maine's future.* Amended January 22, 2001

**Prepared for the  
Joint Standing Committee on Education and Cultural Affairs  
123<sup>rd</sup> Maine Legislature**

November 2007



**Maine State Museum  
Maine State Museum Commission  
Government Evaluation Act  
Program Evaluation Report**

**Table of Contents**

	Introduction	p. 2
1.	Enabling Legislation and other Relevant Mandates (State and Federal)	p. 3
2.	Programs	p. 6
3.	Organizational Structure, Position Count, and Job Classifications	p. 16
4.	Compliance with Federal and State Safety and Health Laws, Including the ADA and OSHA	p. 19
5.	10 Year Financial Summary	p. 20
6.	Regulatory Agenda and Summary of Rules Adopted	p. 21
7.	Areas Where Efforts Have Been Coordinated with Other Agencies or Whether They Should Be	p. 23
8.	Constituencies Served by the Agency, Changes or Projected Changes	p. 25
9.	Efforts at Alternative Delivery Systems Including Privatization	p. 26
10.	Emerging Issues for the Agency	p. 28
11.	Comparison of Related Federal Laws and Regulations to the State Laws Governing the Agency or Program.	p. 31
12.	Agency Policies for Managing Personal Information, Implementation of Information Technologies and Evaluation of Agency Adherence to the Fair Information Practice Principles	p. 32
13.	Lists of Reports and Similar Paperwork Required to be Filed with the Agency by the Public	p. 33
14.	Any Other Information Specifically Requested by the Committee of Jurisdiction	p. 34
	Addenda	p. 35

## INTRODUCTION

This Program Evaluation Report has been produced by the Maine State Museum in compliance with the Government Evaluation Act (3 MRSA Chapter 35).

The report covers both the Maine State Museum and the Maine State Museum Commission because both entities operate under the same laws, rules, policies, and procedures. As provided in law, the Maine State Museum Commission formulates policies and exercises general supervision over the museum director and the museum program. As such, the activities of the Maine State Museum Commission are all part of the museum's work and underlie the program described in the report. The Maine State Museum Commission does not have its own budget and expenses related to the commission's work are paid from the museum's general fund and special revenue accounts. A list of Maine State Museum Commission members is included in the addenda provided at the conclusion of the report.

## 1. ENABLING LEGISLATION AND OTHER RELEVANT MANDATES (STATE AND FEDERAL)

### Enabling Legislation

27 MRSA

Chapter 2, State Museum

Chapter 13, Archaeology

An Act Regarding Terms of Members of Maine State Museum Commission  
(Public Law, Chapter 100, 123<sup>rd</sup> Maine State Legislature)

### Other Relevant Mandates (State and Federal)

25 MRSA

§2904 Security of State-Controlled Locations

Public Law 100-298; U.S.C. 2101-2106

Abandoned Shipwreck Act of 1987

Native American Graves Protection and Repatriation Act of 1990

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

### Maine State Museum Policy

Code of Ethics

### Summary

**27 MRSA Chapter 2** – State Museum – This chapter establishes the museum to preserve the cultural heritage and historical background of the State. The museum is also called to preserve and exhibit the environmental and cultural richness of the state. The Maine State Museum Commission is established along with its membership, administrative functions, and duties. The commission is also designated to set policy for the museum and to prescribe the duties of the director, as well as to empower the director. The Maine State Museum Commission makes recommendations to the Cultural Affairs Council for improving the functioning of the Maine State Museum. The commission establishes fees for admission to the museum (which then go to the General Fund.) Chapter 2 also establishes the position and duties of the museum director. It authorizes other agencies to consult with the museum. It establishes a revolving fund to support the Museum Store and an endowment fund for museum publishing. It establishes a conservation fund. It authorizes reproductions. It sets up and defines the process of accepting works of art from estates. (See addenda for complete text of this statute.)

**27 MRSA Chapter 13** – Archaeology – This chapter recognizes the importance of Maine’s prehistoric past and geological and biological specimens. It establishes the state’s intent to preserve and protect archaeological sites for proper excavation and interpretation, and the preservation of objects of the distant past. The Maine State Museum is assigned these tasks as being the best qualified to do so. This chapter also sets rules for permits, excavations, antiquities recovered, protection of site information, and emergency site designation. (See addenda for complete text of this statute.)

**25 MRSA §2904 – Security of State-Controlled Locations** – This gives the Director of the Maine State Museum the right to make rules concerning access, use and occupancy of museum facilities and property. This function includes security of the building. (See addenda for complete text of this statute.)

**An Act Regarding Terms of Members of Maine State Museum Commission** (Public Law, Chapter 100, 123<sup>rd</sup> Maine State Legislature) – Specifies the membership, terms, and transition process from 4-year to 5-year terms for Maine State Museum Commission members. (See addenda for complete text of this statute.)

**Abandoned Shipwreck Act of 1987** (Public Law 100-298) - This federal law deals with the preservation and protection of abandoned shipwrecks that are embedded in submerged lands or navigable waterways of states, or which are embedded in coral protected by states. It encourages the creation of underwater parks or areas to protect these resources. It encourages the fostering of partnerships among sport divers, fishermen, archaeologists, salvors and others interested in submerged shipwreck resources. The United States claims title to these shipwrecks, which it turns over to the state whose boundaries it resides within (except on public lands or Indian lands.) (See addenda for summary of this statute.)

**Native American Graves Protection and Repatriation Act** (Public Law 101-601; 25 U.S.C. 3001 et seq.) - This federal law establishes the interests of Native American tribes and Native Hawaiian organizations in certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated. This law establishes regulations and procedures for museums and lineal descendants of the appropriate Native American tribe or Native Hawaiian organization to follow in regard to any items which might be in the possession or care of the museum, or that might be uncovered through excavation. (See addenda for summary of this statute.)

**Summary of the Civil Right Act of 1964** - Civil Rights Act of 1964 (Title VI) prohibits employment discrimination based on race, color, religion, sex, or national origin, and the Civil Rights Act of 1991, 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 Maine State Museum has a **Code of Ethics** that contains a conflict of interest policy. (See addenda for text of the code of ethics.)



**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**

**A.1 Description of Maine State Museum Program**

The museum has one program. All functions are interconnected to provide Maine people and visitors with an inspiring educational and recreational experience centered on the natural environment and the human cultures that have developed within our state.

- Most visible to the public are the exhibits and educational programs presented within the Cultural Building. These are enhanced by additional displays within the State House and Governor's residence, the Blaine House. Museum publications, lectures, website, artifact and specimen loans to other museums, television collaborations and traveling exhibits spread the impact of this program more broadly.
- The museum's enabling legislation recognized that one institution operating in isolation could never fulfill its mandate alone. Close cooperation with other State agencies, and with local historical, natural history, scientific and other groups was envisioned from the beginning. Many elements of the museum program rely upon such cooperation.

**A.2 Mission Statement**

The Mission of the Maine State Museum is to educate and inspire Maine's people and visitors by collecting, preserving, researching and exhibiting objects of Maine's natural and cultural heritage. We do this to promote an understanding of, and respect for the past, which is essential for Maine's future. Amended January 22, 2001

**A.3 Public Reaction**

Since the last Government Evaluation Act report in 1999, the Maine State Museum has achieved many goals and enjoyed positive support from the people of Maine and visitors to the state.

Comments such as these are frequently received from visitors, teachers, scholars, students, and community leaders:

- *"I love this museum! It is all about work."* Pulitzer Prize winning historian David McCullough
- *"Our scholars...are required to study the native culture. This tour gives an important historical perspective, and is very interesting to them. As a native Mainer I am proud, as well as refreshed, by viewing the roots of a great state and its people."* Edie Vose, Teacher, AFS Intercultural Program (High school exchange students)

- *“The Maine State Museum is a gem.... We are glad we have folks like you leading the way to the future, while keeping the past available to all of us. Keep up the great work.”* Peter G. Thompson, President, Kennebec Valley Chamber of Commerce
- *“...my class went on a field trip to our museum. I had a ton of fun. I have been there many times before with my Mom, but have never seen the entire museum. I must say, I still have not seen the entire museum. Well, my favorite exhibits so far are the arrowhead making and the glass exhibit.”* Meagan Hennessey, 4<sup>th</sup> grade, West Bath School
- *“...visiting the Maine State Museum has been an enriching experience over a span of years. I have sensed great pride as a Maniac, in recognizing the development and growth evidenced on each of my visits. Having visited numerous museums throughout this country, Europe, and Canada, I’ve come away from each visit to Augusta’s gem realizing that we citizens of Maine rank with the best.”* Diane Cutler, Adult Education Teacher, Orono

#### A.4 Recent Accomplishments

Significant Maine State Museum accomplishments since the last Government Evaluation Act Report in 1999 include:

- with support from the Maine Legislature, successful completion of three major projects in Maine’s State House:
  - the nationally significant move, reinstallation, and restoration of four **natural history dioramas**, by legendary artisan Klir Beck;
  - move of deteriorating Civil War flags from **Hall of Flags** to safe museum storage;
  - conservation of over 330 flags to ensure their long-term preservation;
  - conservation of high priority portraits in the **State House Portrait Collection** and re-hanging and reinterpretation of all the portraits throughout the building;
- establishment of four new **long term exhibits** in the museum, featuring “To the Highest Standard: Maine’s Civil War Flags” which are changed at regular intervals, and “Soaring Imagination” with a replica of a glider built by a young man in Auburn in 1911.
- installation of 24 **new temporary exhibits** in the museum and State House featuring all types of glass products made or used in Maine, the Bryant Pond Telephone Company, a significant collection of silhouettes by an 1850s artist from Brewer, decoys and hunting dog training, Maine’s Japanese sister-state Aomori exhibit, hooked rug patterns developed by a Biddeford inventor, fly fishing, the dairy industry and the museum’s natural science collections;

- development of **three traveling exhibits** sent to other museums, including a Maine furniture exhibit to the Brick Store Museum in Kennebunk and a Popham Colony 400<sup>th</sup> anniversary exhibit to the Maine Maritime Museum in Bath;
- award of four highly competitive **grants from the National Endowment for the Humanities** totaling \$718,000, which will result in **two new major exhibits** at the State Museum, one set to open in 2008 and the other in 2009;
- with help from the Bureau of General Services, acquisition of two **collection storage areas**, one for textiles and the other for natural science specimens;
- acquisition and installation of **compacting storage units** to ensure efficient use of collections storage spaces;
- organization of two very popular **science education events** featuring insects and earth science themes. Attendance at one of these events in 2006, Bug Maine-ia, was the highest for any one day in the museum's history (2,805);
- receipt of a grant to allow the museum to develop a pilot program for the **delivery of museum education programs long distance in real time**;
- cooperation with Maine Public Broadcasting Network to produce and deliver a number of **history education television programs** broadcast statewide. One in the *Home: The Story of Maine* series won a New England Emmy award for outstanding achievement in cultural affairs programming;
- joint **publication of four books** about Maine's native people and other subjects of Maine history;
- participation in the **Maine Cultural Affairs Council** for planning coordinated statewide system of cultural resource programs and projects;
- in cooperation with the Maine State Archives and Cultural Affairs Council over the past two and a half years, provided fair distribution of over \$250,000 in **New Century Community Program** grant funds to historical societies and museums statewide for archive and artifact collections care activities and facilities;
- work with the U.S. Navy, Maine Attorney General's office, Wardens Service, Historic Preservation Commission and interested Maine people to **prevent the unauthorized salvage** and sale of a World War II *Corsair* that crashed into Sebago Lake in 1944;
- with the support of the Friends of the Maine State Museum, completion of fieldwork on the site of the **first English settlement in New England, the Popham Colony** followed by conservation and analysis of the artifacts excavated on the site, and

finally, an exhibit in collaboration with Maine Maritime Museum to mark the Popham Colony's 400<sup>th</sup> anniversary in 2007;

- award of a highly competitive federal grant in the amount of \$144,939, funding the museum's **survey of science collections held by state agencies** and other state institutions in order to ensure the collections' long-term preservation and help the museum comply with its enabling legislation;
- acquisition of **major collections items** including 238 portrait silhouettes created by a Brewer, Maine artist man in the 1850s; fragments of two 16<sup>th</sup> Maine Civil War flags cut up by Maine soldiers to prevent capture by the Confederate army; three very significant science collections including animals, insects, and geological specimens;
- development of a comprehensive **Disaster Preparedness Plan** and delivery of related annual training sessions to museum staff;
- through the work of the Friends of the Maine State Museum, securing of the **largest single (and anonymous) private donation** of \$500,000 for a specific museum program;
- active recruitment and **use of volunteers**, culminating in an all-time high in 2006 of 149 volunteers and 6,344 hours of work contributed to State Museum efforts;
- achievement of **re-accreditation by the American Association of Museums** following an extensive self-study and peer review.

## A.5 Resource Issues

Since 1999 and before, the Maine State Museum has worked to creatively identify and build the resources necessary to meet its mission. This work has brought together museum staff, Maine State Museum Commission, Friends of the Maine State Museum, Maine Legislature, Executive Branch, colleagues, and professional associations, and interested people statewide. These efforts have built resources and support beyond simple pleas for more state general fund dollars. As the results summarized in the next section show, the gains have been significant and include:

- increased grant funding from outside sources to build major exhibits, conduct research, interpret collections, and provide public programming;
- increased endowment funds to purchase and conserve collections;
- increased numbers of and hours worked by volunteers, and increased hours worked;
- a lively series of small exhibits and public programs designed to draw and engage new audiences;

- a supportive Friends of the Maine State Museum membership;
- new collaborators identified for priority work on historical and natural science collections statewide.

Recent reports and evaluations have issued new challenges to the museum to find even more resources to increase its services to teachers and students, to enliven its aging exhibits with new information and dynamic educational presentations, to more aggressively communicate with its public to build its programs, and to rise to the challenges of current museum best practices in building state collections and caring for them. This will require that the museum renew its efforts over the next five years to work with the Maine Legislature and Executive Branch to creatively identify and nurture new resources. These resources are vital to ensure that the museum fills its unique role as the only institution charged with preserving and exhibiting objects and specimens from Maine's prehistoric, historic, and natural past and educating Maine people and visitors about them.

### **B.1 Priorities, goals, and objective performance criteria**

The Maine State Museum has identified three priorities, each with goals and objective performance criteria as outlined below. These priorities will shape the museum's work over the next five years.

#### **Priority One**

##### **Broaden the museum's audience and increase staff to service audience expansion**

###### **The need**

- People who visit the museum report a high satisfaction with the experience they have; yet the museum is continually characterized as a "hidden gem" and its messages and offerings are not as well known as they should be.
- Following a nationwide trend in museum visitation, general public attendance at the Maine State Museum has leveled off in recent years; the museum has found itself needing to more actively compete with other options for peoples' leisure time activities.
- When surveyed in 2007, 99% of the teachers who bring their classes to the museum for educational programs reported that the programs met or exceeded their expectations. The teachers also requested that museum educational staff provide supplemental resource materials before and after their museum visits. Most museums routinely provide such resources, but staff shortages at the Maine State Museum preclude efforts to develop these essential and enriching educational materials.
- As travel to the museum has become more expensive for school districts, teachers are demanding that the museum deliver its educational programs to their students in new ways.

- As part of a 2006 grant-funded assessment of the museum’s public dimension, two museum public relations professionals evaluated the museum’s public image and appeal. They challenged us to hire a communications professional, add audio-visuals and interactives to enliven museum exhibits, add and publicize new programming to broaden the museum’s audience, and redesign the museum lobby to provide a more spirited physical entrance. All of these improvements (and more) were recommended to facilitate the museum’s entry into the new age of museum programming and therefore compete more successfully for public participation.
- Other reports and evaluations over the past three years (including a special joint Friends of the Maine State Museum/Maine State Museum Commission communications committee report in 2005, and the museum’s own strategic long-range plan in 2004) have recommended that the museum improve its website in order to better serve the multi-faceted audiences that are using the internet in ever-increasing numbers.

To meet these documented needs and direct work on this priority, the museum has set the following goals and objective performance criteria for the next five years:

<b>Goal</b>	<b>Objective Performance Criteria</b>
<b>1) Increase number and geographical distribution of visitors to the museum</b>	<ul style="list-style-type: none"> <li>□ Develop plan and funding strategies for regular visitor evaluations in order to gain a systematic understanding of visitor characteristics and needs.</li> <li>□ Participate in efforts to study and plan for expansion of the Cultural Building, which will result in improved facilities for museum visitors and increased museum exhibit space.</li> </ul>
<b>2) Increase number and sizes of changing vs. permanent exhibits</b>	<ul style="list-style-type: none"> <li>□ Complete educational and display components for “Cabinet of Curiosities” exhibit.</li> <li>□ Open “At Home in Maine” exhibit in 2008 and “Uncommon Threads: Wabanaki Clothing, Textiles, and Costume” exhibit in 2009, both of which will be major new public offerings featuring subjects and collections not presently included in current exhibits.</li> <li>□ Identify future exhibit priorities that address new subjects and museum collections that will generate increased interest.</li> </ul>

Goal	Objective Performance Criteria
<b>3) Broaden year-round student participation in museum education programs</b>	<ul style="list-style-type: none"> <li>❑ Increase museum visitation by Maine 4<sup>th</sup> graders from 49% to 51% of all 4<sup>th</sup> grade students statewide.</li> <li>❑ Develop early childhood museum education programs to meet increasing demand by educators of this age group.</li> <li>❑ Implement recent grant for distance learning to allow museum education programs to be delivered over the state's ATM network.</li> <li>❑ Market museum's Native American educational programs, both in-house and through ATM network, as a means of fulfilling Native American studies curriculum requirements.</li> <li>❑ Increase middle school students participation in museum education programs from 6% to 25% through ATM programs.</li> </ul>
<b>4) Increase depth and content of museum's website</b>	<ul style="list-style-type: none"> <li>❑ Update general information within the current website design.</li> <li>❑ Work with website design professionals to update and freshen the website "look", while maintaining standards of accessibility and other state requirements.</li> <li>❑ Increase information and images on the website to meet demands for improved content within a new design structure.</li> <li>❑ Improve mutual links between museum website and those of five related Maine institutions.</li> </ul>

**Resources needed to address Priority One and achieve related goals**

1. One half-time Museum Specialist II position to serve as a communications professional to write press releases and advertising copy, to maintain website information, to solicit media outlets for favorable news stories, and edit staff-prepared articles for publication.
2. Half of museum admissions income for website upgrade and maintenance, plus paid advertising (the more paid visitors, the more the general fund and museum shares would grow once established).
3. Two part-time museum educators to provide necessary educational programming and security for large new exhibit, "At Home in Maine," set to open in late 2008.
4. \$100,000 for Bureau of General Services and Capitol Planning Commission to develop and conduct a Cultural Building expansion design competition.

## Priority Two

### **Upgrade museum collections storage capacity and effectiveness of collections care facilities**

#### **The need**

- Temperature and humidity indicators placed throughout museum exhibit galleries and in collections storage facilities show that the museum is unable to consistently meet best practices for care of historical collections, archaeological artifacts, and natural science specimens.
- Some museum collections storage areas are overcrowded and unsafe, posing hazards for individual collection items and museum employees who must gain access to them.
- State-owned science collections held by several state agencies and University departments are seriously at risk. A properly designed facility could be built to hold the collections of many groups, and overseen by the collection management trained science staff of the museum.

To meet these documented needs and direct work on this priority, the museum has set the following goals and objective performance criteria for the next five years :

<b>Goal</b>	<b>Objective Performance Criteria</b>
<b>1) Explore ways to most effectively use existing space</b>	<input type="checkbox"/> Plan for use of compacting storage units wherever feasible and incrementally purchase and install such units as funds become available.
<b>2) Secure support for expanded collections care facility with adequate space and engineering to assure proper environmental controls</b>	<input type="checkbox"/> Complete collections plan to ensure orderly future growth in collections, including deaccessioning, of existing collections. <input type="checkbox"/> Collaborate with other state agencies to plan for combined science collections facility to meet mandates regarding science collections care.

#### **Resources needed to address Priority Two and achieve related goals**

1. One additional full time Museum Specialist III to help guide the science collection care study, to care for state-owned science collections eventually assigned, and to support the work of Priority Three below.
2. \$75,000 for compacting storage units to be installed in 2009 and \$182,000 for more units to be installed in 2010.
3. \$5,000 for a facilitated planning conference for those responsible for long term collection care within the Department of Inland Fisheries and Wildlife, University of Maine Climate Studies Institute, Maine State Museum, Department of Conservation, Department of Agriculture, and Department of Marine Resources, and including appropriate staff from the Bureau of General Services.



### Priority Three

#### **Upgrade and expand scientific collections and associated educational programs**

##### **The need**

- When the Maine State Museum sought re-accreditation by the American Association of Museums in 1998, peer reviewers emphasized the need for improvements in the museum's science collections and related collections management and interpretation.
- A subsequent re-accreditation report in 2004 praised progress in natural science collections, but continued to identify needs for improvement.
- The Maine State Museum's statutes give the museum responsibility, but no resources, for assisting with the care and management of scientific specimens owned by other state agencies and state-related organizations, such as the University system.

To meet these documented needs and direct work on this priority, the museum has set the following goals and objective performance criteria for the next five years:

<b>Goal</b>	<b>Objective Performance Criteria</b>
<b>1) Gain intellectual control over museum's science collections</b>	<input type="checkbox"/> Complete cataloging of scientific specimens in the collection and ensure installation of improved storage.
<b>2) Fulfill museum's legal responsibilities relating to scientific specimens held by other state agencies and state-related organizations</b>	<input type="checkbox"/> Complete current federally funded curatorial survey of Maine's scientific collections. <input type="checkbox"/> Use recent successful collaboration with Maine Geological Society as a model for collections care and management protocols with other agencies. <input type="checkbox"/> Conduct a needs assessment and feasibility study for a combined science collections facility, collaborating with other state agencies to meet museum mandates regarding science collections care (see Priority Two).
<b>3) Increase school group and general visitor awareness of the museum's role in collecting and preserving science collections</b>	<input type="checkbox"/> Increase educational program offerings similar to the highly successful Bug Maine-ia and Earth Science Days. <input type="checkbox"/> Survey curriculum coordinators and science teachers to learn how museum education programs can meet new mandates for science education programming.

#### **Resources needed to address Priority Three and achieve related goals**

1. See museum educator positions described in Priority One above.
2. See Museum Specialist III, Scientist position described in Priority Two above.

3. Increase the museum's all other budget by \$15,000 annually to provide funds for on-going education material development, up-grade and maintenance of the educational portion of the museum's website, and collections storage materials and supplies.

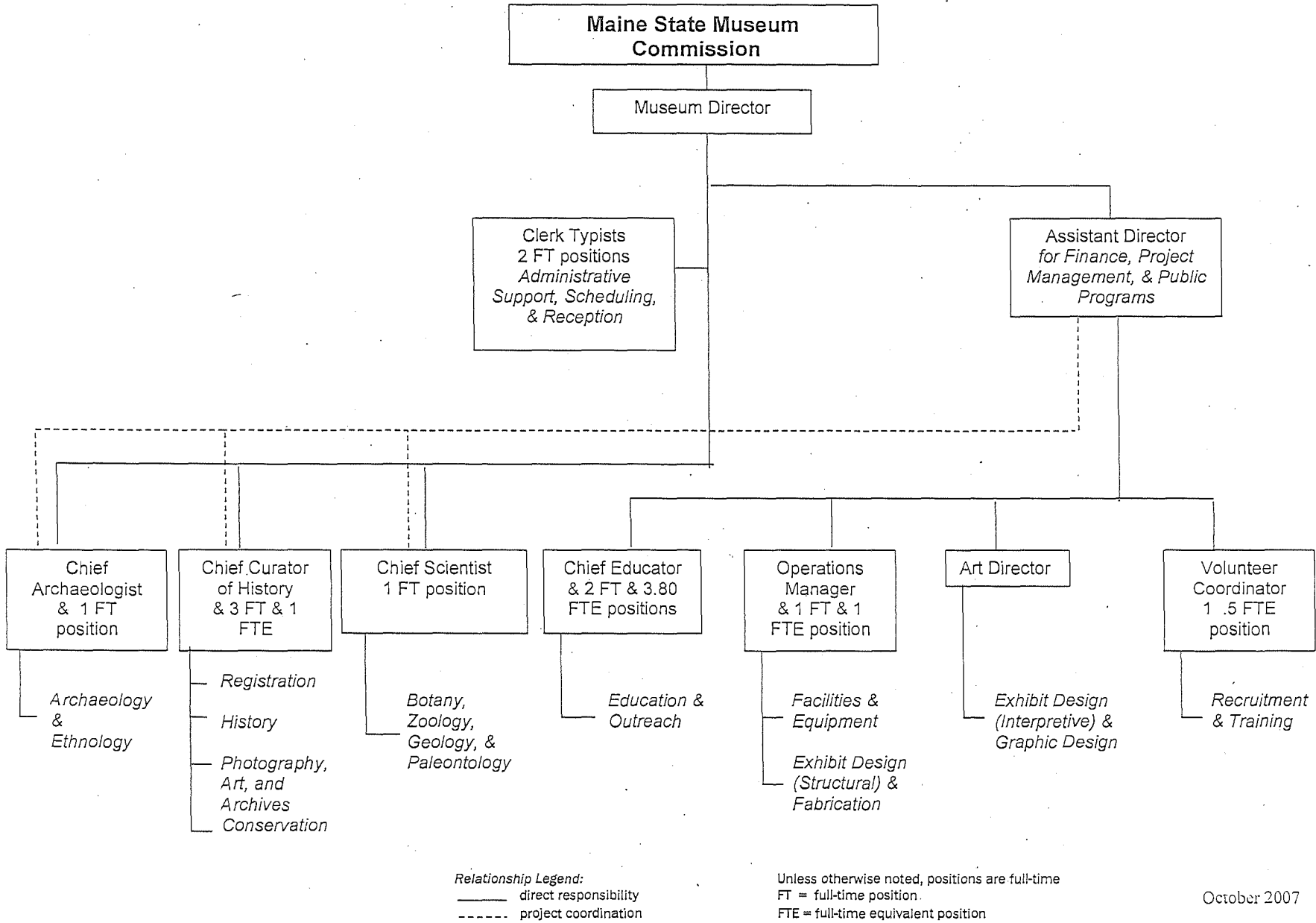
**The museum's three priorities are interconnected, both in the needs described and the resources required to meet these needs. The museum has one program and no part of it can fully succeed without adequate support for all the parts.**

### 3. ORGANIZATIONAL STRUCTURE, POSITION COUNT, AND JOB CLASSIFICATIONS

Maine State Museum organizational chart and other information follow.

In addition to state-funded staff and operational backing, the museum receives important support from the non-profit 501c3 organization, the Friends of the Maine State Museum. The Friends organization's sole purpose, as stated in its by-laws, is to support the mission of the museum. The Friends do this principally by raising critical private support to facilitate the museum's ability to achieve its mission. The Friends group also administers a membership program and undertakes other projects for the benefit of the museum.

The Maine State Museum Commission chair and museum director are voting members of the Friends board of directors per corporate bylaws. This will be changing to non-voting liaison status as a more "arms length" independent relationship is established. Formal state contracts govern the Friends management of the membership program and other specific projects including assistance in administering grants, special programs, educational activities, public information, and payroll services for the Maine State Museum Store.



**ORGANIZATION CHART POSITIONS**

TITLE	STATE CLASSIFICATION	PAY RANGE
-------	----------------------	-----------

**Permanent Full-Time Positions - General Fund**

Museum Director	Public Service Executive III	88
Assistant Director	Public Service Manager II	30
Chief Scientist	Museum Specialist III	28
Chief Curator of History and Decorative Arts	Museum Specialist III	28
Chief Archaeologist and Curator of Ethnology	Museum Specialist III	28
Chief Educator	Museum Specialist III	28
Operations Manager	Museum Specialist II	23
Registrar (job share)*	Museum Specialist II	23
Curator of Historical Collections	Museum Specialist II	23
Curator of Photography, Art, and Archives	Museum Specialist II	23
Art Director	Museum Specialist II	23
Archaeology Assistant	Museum Specialist I	19
Education Supervisor	Museum Specialist I	19
Education Supervisor	Museum Specialist I	19
Conservation Technician (job share)	Museum Specialist I	19
Master Carpenter	Master Carpenter	16
Carpenter (job share)	Museum Technician I	15
Secretary to the Director	Office Associate II	13
Education Scheduler	Office Associate II	13

**Permanent Part-Time Positions - General Fund**

Volunteer Coordinator (half-time)	Museum Technician I	15
Museum Educator (half-time)	Museum Technician I	15
Museum Educator (half-time)	Museum Technician I	15
Museum Educator (half-time)	Museum Technician I	15
Museum Educator (half-time)	Museum Technician I	15
Museum Educator (half-time)	Museum Technician I	15
Museum Educator (half-time)	Museum Technician I	15
Museum Educator (half-time)	Museum Technician I	15
Museum Educator (480 hours/year)	Museum Technician I	15
Museum Educator (480 hours/year)	Museum Technician I	15
Museum Educator (480 hours/year)	Museum Technician I	15

**Temporary Position - Federal Fund**

Maine Science Collections Curatorial Assessment Project Director (half-time)	Museum Specialist III	28
--	-----------------------	----

\* one half of this job share is a two-year acting capacity position

#### **4. COMPLIANCE WITH FEDERAL AND STATE SAFETY AND HEALTH LAWS, INCLUDING THE ADA AND OSHA**

The Maine State Museum is committed to abide by state and federal regulations that bar discrimination based on race, color, national origin, disability, age, sex, or sexual orientation, and that require accessibility for persons with disabilities. The museum is also mindful of the health and safety of employees, volunteers, and visitors and is careful to observe workplace safety standards as is required under federal and state guidelines.

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

The Maine State Museum is a fully accessible, barrier-free facility. Trained educators are stationed in the galleries not only to interpret exhibitions, but also to provide assistance in reading labels. “Touch Stations” containing objects with Braille labels provide tactile experiences for the visually impaired.

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 on disabilities, requiring places of public accommodation be accessible to people with disabilities, and making telephone services available to people with hearing and speech impairments.

##### **Occupational Safety and Health**

Section 5 of the federal Occupational Safety and Health Act of 1970 says that each employer will furnish a place of work to each employee 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.

##### **Video Display Terminal Operation**

Maine law establishes that employers shall annually educate and train all operators of video display terminals. Museum staff members have all been trained.

##### **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. The museum carefully observes this prohibition.

5. 10-YEAR FINANCIAL SUMMARY

Maine State Museum Expenditures

Fund	FY07	FY06	FY05	FY04	FY03	FY02	FY01	FY00	FY99	FY98
General Fund	1,585,967	1,619,145	1,550,280	1,520,826	1,693,698	1,250,970	1,210,873	1,270,750	1,214,016	1,043,995
New Century					23,313	21,677		149,600		
Flag Project						222,290				
Portraits						181,460				
Total General Fund	1,585,967	1,619,145	1,550,280	1,520,826	1,717,011	1,676,397	1,210,873	1,420,350	1,214,016	1,043,995
Federal Fund	95,583	147,017	175,592	183,779	130,466	112,657	140,607	122,742	46,124	25,073
Special Revenue	165,117	160,561	155,429	172,865	161,476	192,262	192,662	146,646	105,477	118,752
Bond	720	40,983	0	0	0	0	0	0	0	0
<b>Total of all funds</b>	<b>1,847,387</b>	<b>1,967,706</b>	<b>1,881,301</b>	<b>1,877,470</b>	<b>2,008,953</b>	<b>1,981,316</b>	<b>1,544,142</b>	<b>1,689,738</b>	<b>1,365,617</b>	<b>1,187,820</b>

Positions

General Fund										
Positions	22.5	22.5	23	23	23.5	23.5	21	21	20.5	20.5

## 6. REGULATORY AGENDA AND SUMMARY OF RULES ADOPTED

### Rules Adopted

- 04 073 Chapter 501 – Use of Museum Facilities  
 Chapter 502 – Reproduction of Museum Collections  
 Chapter 505 – Collections  
 Chapter 506 – Public Access and Use of Museum Collections  
 Chapter 511 – Conservation Center  
 Chapter 521 – Public Services  
 Chapter 531 – Maine State Museum Store  
 Chapter 551 – Acceptance of Works of Art from Estates
- 04 089 Chapter 100 – Rules for Implementing an Act to Preserve Maine’s  
 Archaeological Heritage

**Summary of Rules Adopted** (See addenda for complete text of rules.)

#### **04 073 - Chapter 501 – Use of Museum Facilities**

Rules and regulations for the use and security of materials and facilities of the Maine State Museum.

#### **04 073 – Chapter 502 – Reproduction of Museum Collections**

Collections of the Maine State Museum are held in trust for the people of the State of Maine; reproductions of selected items may be approved by the museum in accordance with this rule.

#### **04 073 – Chapter 505 – Collections**

Sets forth rules and regulations regarding acceptance, use, and disposition of museum collections as a means of preserving the historical, cultural, and environmental heritage of the State of Maine according to the provisions of 27 MRSA Sections 81 through 90-A and 27 MRSA Sections 371 through 378.

#### **04 073 – Chapter 506 – Public Access and Use of Museum Collections**

Establishes standards and procedures governing access to and the use of collections of the Maine State Museum.

#### **04 073 – Chapter 511 – Conservation Center**

Establishes rules and regulations for the Conservation Center.

#### **04 074 – Chapter 521 – Public Service**

It is the function of the Maine State Museum to interpret and present the collections and the knowledge acquired through research to all citizens of this state in a meaningful and educational manner with the primary objective of developing an understanding of the environment, cultural, and historical development of Maine according to the provisions of 27 MRSA §85.6-7.

#### **04 073 – Chapter 531 – Maine State Museum Store**

Establishes rules for the Maine State Museum Store Sales Program.



**04 073 – Chapter 551 – Acceptance of Works of Art From Estates**

Clarifies rules and regulations regarding acceptance of works of art from estates in lieu of estate taxes.

**94 089 – Historic Preservation Commission and Maine State Museum****Chapter 100 – Rules for Implementing an Act to Preserve Maine’s Archaeological Heritage**

Sets forth the standards and procedures for access to records containing information regarding the locations or other attributes of archaeological sites that are in the possession of the Maine Historic Preservation Commission, the State Museum, the Bureau of Parks and Lands, other state agencies, or University departments.

## 7. AREAS WHERE EFFORTS HAVE BEEN COORDINATED WITH OTHER AGENCIES

Maine's **Governor** and **State Legislature** are the museum's most vital partners as they provide the basic funding and legal authority needed to accomplish our mission.

**The Maine State Cultural Affairs Council** is a primary, and highly successful, form of coordination of services for the Maine State Museum. The Council provides one voice for the seven cultural agencies (Maine State Library, Maine Arts Commission, Maine State Museum, Maine Historic Preservation Commission, Maine Historical Society, Maine State Archives, and the Maine Humanities Council) to interact with the Governor and the Legislature regarding the accomplishments and needs of the cultural agencies. The Council provides a structure for agency interaction on a regular basis.

**The New Century Community 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 Museum assists historical societies, museums, town and county offices, libraries, and other institutions responsible for historic artifacts or documents with technical assistance, training, and reference materials by means of the Cultural Resources and Information Center (CRIC). CRIC is a joint effort of the Maine State Museum, Maine State Archives, and the non-profit association Maine Archives and Museums (MAM).

**Department of Administrative and Financial Services** provides critical support without which the museum could not function: basic usage, maintenance and cleaning of buildings and grounds; financial and payroll services; communication services; and rental vehicles.

**The Friends of the Maine State Museum** is a non-profit charitable organization incorporated in 1992 to benefit the Maine State Museum and its mission to preserve Maine's heritage. It has a 14-member volunteer board and a full-time development director and an assistant. The Friends group initiated the Maine State Museum Heritage Fund. This is a major endowment fund designed to support the purchase of objects and artifacts representing important elements of Maine's heritage. The Friends recently took over the museum's membership program for more efficient provision of member services. The chair of the Museum Commission and museum director have been voting members of the board of directors, but this will change to non-voting liaison status as an "arms length" independent relationship is established.

**Maine Archives and Museums (MAM)** is a network of citizens and institutions which fosters the preservation and use of records and objects of enduring value in Maine, sponsors continuing education for those involved in such work, and promotes public use of Maine museums and archives. We depend upon this group to provide in-state professional training opportunities for employees and volunteers, and as a conduit for professional outreach activities. The Maine State Museum has encouraged its employees to actively participate in MAM activities.

**The State House and Capitol Park Commission** is legally constituted to provide technical advice to the Legislative Council concerning the preservation and development of the aesthetic and historical integrity of the State House and grounds. The Museum's State House Historical Collection, wildlife

dioramas and flag collection are inextricably linked to the State House. The museum director is a member of this Commission.

**Blaine House Commission** has legal jurisdiction over the appearance of the building exterior and immediate grounds of the governor's residence, as well as over the interior rooms used by the public. The museum's Blaine House Historical Collection is primarily displayed in the building so that its preservation and display depend upon the cautious stewardship exercised by this commission. The museum director is a member of the commission.

**The Friends of the Blaine House** is a non-profit organization established to work with State government and First Family to help maintain the public rooms and gardens of the governor's residence. This group raises funds for interior and exterior enhancements, and buys Blaine House related artifacts for the museum's Blaine House Historical Collection. The museum director is a member of the board of directors.

**The Maine Historic Preservation Commission** and the Maine State Museum are legislated to coordinate oversight of archaeological work on or under State controlled lands and waters. A recent intervention involved a WW II *Corsair* aircraft of the British Royal Navy that had crashed into Sebago Lake. Salvage operators from out-of-state were about to disturb this site. The Maine Historic Preservation Commission, in consultation with the Maine State Museum, was able to put an emergency stop on the salvage effort under the State Antiquities law. Ultimately, this crash site was protected as the bodies of the pilots were never recovered, making it a war graves site.

**The State Medical Examiner** and the Maine State Museum coordinate activities when apparently old human remains are discovered anywhere in the state. Remains are recovered and the site carefully recorded, so if the Medical Examiner's Office determines that they are pre-historic, they may be turned over to the museum for proper handling under state and federal law.

**The Maine Arts Commission** and **State Tax Assessor** work with the Maine State Museum under legislation that permits the acceptance of works of art in payment of estate or inheritance taxes. So far this law has benefited the estates of artists but the estates of serious art collectors could also benefit.

## 8. CONSTITUENCIES SERVED BY THE AGENCY, CHANGES OR PROJECTED CHANGES

The Maine State Museum serves all the people of Maine in its role of collecting, preserving, and interpreting the natural and cultural legacy of the state.

The museum has special programs for schools and home-schooled students. The staff aims particularly to reach as many 4<sup>th</sup> grade students as possible. Initiatives over the next year will target junior high and high school students, as well as pre-school children. Educational programs are linked to the State of Maine Learning Results and are developed in relation to the Learning Results Performance Indicators. Teachers can choose programs, which are adaptable to all age groups, within the areas of pre-history, maritime and fishing history, military history, agricultural and industrial history, and natural science.

The museum also serves in a professional capacity to support historical societies, museums, libraries and other groups responsible for the preservation of objects, specimens, and artifacts related to Maine's natural and human history. Additionally, the Maine State Museum, Maine State Archives, and the association Maine Archives and Museums jointly support the Cultural Resources Information Center. This office disseminates technical information and, when funds are available, administers a state grant program, under the auspices of the Cultural Affairs Council, for the preservation and conservation of historical collections and the facilities that make those collections accessible to the public.

The museum's constituency will broaden over the next few years as the museum focuses sharper attention its mandate to assist in the preservation of natural science collections held by state agencies and departments within the University of Maine System.

## 9. EFFORTS AT ALTERNATIVE DELIVERY SYSTEMS INCLUDING PRIVATIZATION

The Maine State Museum recognizes that it is not possible for every citizen to visit the museum. In light of this important fact, and in its commitment to all citizens, the museum makes every effort to disseminate its resources and holdings through other media and venues. A few examples follow:

- Cooperation with Maine Public Broadcasting Network has brought some of the museum's scientific and historical projects into homes around Maine on MPBN TV, most notably through co-producing the award-winning history series *HOME The Story of Maine*. This has stretched the reach of the museum's educational efforts while advertising the work of the museum.
- MPBN and the museum have also collaborated with the Fogler Library of the University of Maine in creating "Windows on Maine," an interactive internet resource for teachers and students.
- The Maine State Museum's website, through an on-line collections database, electronically provides access to information and images for over 450 objects in the museum's collections. This database will continue to grow as resources become available.
- The museum's website, with its summary of museum exhibits, can be used by classroom instructors as a tool to prep students before visiting the museum. It is also a way to make the exhibits of the museum available to anyone worldwide with access to an Internet connection. The museum has created additional information on the website for those interested in the scholarly publications of the museum staff.
- The museum has a publications program that brings the expertise and research of the museum staff to the public in a more permanent format. Recent titles are:
  - Hunter, Julia, and Earle G. Shettleworth, Jr.. *Fly Rod Crosby: The Woman Who Marketed Maine*. Tilbury House and Maine State Museum, 2000
  - Bourque, Bruce J. *Twelve Thousand Years: American Indians in Maine*. The University of Nebraska Press, 2001
  - Spiess, Arthur E., and Robert A. Lewis. *The Turner Farm Fauna: 500 Years of Hunting and Fishing in Penobscot Bay, Maine*. Maine State Museum, Maine Historic Preservation Commission, Maine Archaeological Society, 2001
  - Brain, Jeffrey Phipps, with Peter Morrison, and Pamela Crane. *Fort St. George Archaeological Investigation of 1607-1608 Popham Colony*. Maine State Museum, Maine Historic Preservation Commission, Maine Archaeological Society, 2007
- The museum is part of a project, funded by a grant from Verizon, to make educational programs available through distance learning to schoolchildren statewide. This project is in its very early stages, but promises to be an important tool for delivery of museum educational programs to schools that find it financially or logistically difficult to travel to the museum.

- Museum staff members make every effort to include time in their schedules for public presentations on the work of the museum, thus extending the reach of the museum and increasing awareness of the museum's work around the state.
- Artifact loans are part of the life of museums. The Maine State Museum borrows items from, and loans artifacts to, other museums thus increasing the public's interest in the museum and bringing a continual array of new opportunities for learning to the public.

## 10. EMERGING ISSUES FOR THE AGENCY

**Many of the emerging issues for the Maine State Museum relate to resources needed to carry out the museum's work and fulfill its mission.** These needs and issues show little variation from those identified in the Government Evaluation Act Program Evaluation Report of 1999. That report articulated existing and emerging needs for: 1) museum staff; 2) adequate operational funds; 3) improved and expanded museum exhibition and collections care facilities; and 4) a solid funding source for the nascent New Century Community Program – a matching grant and technical assistance program to help Maine communities and organizations preserve their unique historic properties, artifacts, and documents.

While some museum staffing, operational, and facilities needs have been met in the past eight years, many aspects of the same basic needs persist. These form the core of emerging issues for the next five to eight years. As such, these issues are also reflected in the priorities and goals for the museum's work over the same period as identified in section two of this report.

### 1) Broaden the museum's audience and increase staff to service audience expansion

Museums across the country are learning that innovative and varied programs, appealing to a broad cross-section of the population, are essential for museums to continue to attract and engage potential visitors who can choose among an unprecedented variety of ways to spend their leisure time. The Maine State Museum is seeking to meet these challenges by: a) gaining a better understanding of its audiences and their needs; b) developing new, more highly interactive experiences for visitors of all ages; c) reaching out to underserved audiences; d) updating and modifying older, static exhibits to incorporate new and deeper levels of information; e) planning for more regularly changing exhibits to keep the museum's offerings fresh and appealing to a wider variety of Maine people and out-of-state visitors; and f) continuing to explore and develop new media for transmission of information about the museum, its collections, and programs.

These exciting innovations and changes come with many demands at almost every level of museum operations. Curatorial staffing increases and related operational funds are necessary to develop more content and collections resources for exhibit. Education staff and related operational funds must be increased so that adequate personnel exist to develop education and experience-centered museum exhibits, as well as work with visitors in the galleries to use the new technologies. Collections management, conservation, and exhibit preparation staff and related operational funds must be increased to handle workloads that come with frequently changing exhibits. New operational funds are required to more actively use the museum's website as a key means of reaching and appealing to "virtual" visitors. Facilities improvements are required to greet visitors with a comfortable, attractive, multi-faceted museum experience while providing critical additional space for temporary exhibits and learning environments.

### 2) Upgrade museum collections storage capacity and effectiveness of collections facilities

True to its legislative mandate and unique mission to collect and preserve objects of Maine's natural and cultural history, the Maine State Museum will always be growing its collections, as *Maine's present* is continuously transformed into *Maine's past*.

The growth inherent in the museum's collecting mandate presents many challenges for collections storage facilities. As with most museums nationally, only about 20% of the Maine State Museum's collection is on exhibit at any one time. The other 80% must be carefully stored in climate and humidity-controlled environments where it can be maintained into perpetuity. At present, some of the museum's six widely scattered collections care facilities are adequate in terms of environmental control, but are approaching a near crisis situation in capacity. Other facilities, also over-crowded, do not meet minimal temperature and humidity controls that are standard museum best practices. Planning for consolidated, efficient, and expandable collections storage is a critical issue and must be resolved in the next five to eight years.

### **3) Document the resources required for the museum to fulfill its mandated responsibilities related to the care of scientific and archaeological specimens**

The Maine State Museum is the only institution in the state that has the mandate to collect and preserve systematic collections relating to Maine's complete natural environment. Further, the museum is mandated by law to care for science collections held by state agencies, scientific specimens found on state-controlled lands, and according to intellectual property law, scientific collections created by individuals employed by the state (such as university professors). The museum has recently received a highly competitive grant from the Institute of Museum and Library Services to inventory these collections, identify collections management issues, evaluate current curatorial care of the collections, and assess long-term prospects for public access to the collections. Once this inventory is complete, recommendations will be made for long-term care, which are likely to include expansion of the museum's science collections care facilities to better accommodate collections that are in danger of destruction. Additionally, the recommendations will likely include a call for curatorial and collections management staff for the museum's science collections. (Currently, only one curatorial position is assigned to these tasks; the legislature is already considering an additional position due to the priorities identified for the science collections under the museum's responsibility).

The museum also has mandated but unmet responsibilities regarding underwater archaeological resources. This mandate finds its basis in 27 MRSA Section 372, which designates the museum to hold title to all archaeological objects found on, in, or beneath state-controlled lands. These lands include those areas beneath great ponds and navigable bodies of fresh and salt water up to three miles offshore. These waters are literally filled with historic shipwrecks, airplanes that crashed, and other items that have historical and even economic value to individuals who may seek to recover them. Since such objects are owned by the state, private removal amounts to the unauthorized taking of state property. The museum is responsible, but does not have the staff or the operational funds to monitor, prohibit, or permit these activities. As unauthorized activities continue, the museum will come under increasing pressure to take action and will need to find the means to adequately protect the state's property.

### **4) Revise the museum's enabling legislation**

Recent recommendations by the offices of the attorney general and state controller have suggested that a review of the museum's statutes is in order to identify areas that need updating, particularly in the legislative authority given to the museum director. In most cases, the laws governing the museum have seen little change since they were first enacted in the mid-1960s. A



review and recommendation for updates will allow the museum director to have clearer authority regarding responsibilities that have been assigned by past governors and issues that no other agency has been assigned to address.

**11. COMPARISON OF RELATED FEDERAL LAWS AND REGULATIONS TO  
THE STATE LAWS GOVERNING THE AGENCY OR PROGRAM**

Federal and state laws governing the Maine State Museum are mutually supportive of the museum's mission. No major conflicts are apparent at this time.

**12. AGENCY POLICIES FOR MANAGING PERSONAL INFORMATION, IMPLEMENTATION OF INFORMATION TECHNOLOGIES, AND EVALUATION OF AGENCY ADHERENCE TO THE FAIR INFORMATION PRACTICE PRINCIPLES**

**Personal Information**

If requested, the identities of donors of objects to Maine State Museum collections are kept confidential. This is standard museum practice nationwide.

According to state law (12 MRSA §377), the locations and attributes of archaeological sites known to the Maine State Museum (including those on private property) are kept confidential in order to protect the sites from unlawful excavation and harm.

Beyond these confidential matters, the museum has no specific policies regarding the management of personal information and adheres to all relevant state laws and Maine state government policies.

**Implementation of Information Technologies**

The Maine State Museum's website provides information on the museum's collections, resource information for archaeological scholars, a virtual tour of the museum, on-line reservations for group tours, program information for instructors, hours of museum operation, information on the Friends of the Maine State Museum, and appropriate contact information for staff members. There are links to other related websites. The website also features updates on the activities and programs of the museum, along with information about the museum store. The site is designed to make the contents of the museum accessible to anyone with access to the Internet.

Implementation of information technologies for the work and public services of the museum is conducted through the policies of the state's Office of Information Technology.

**Evaluation of Agency Adherence to the Fair Information Practice Principles**

The Maine State Museum's website is linked directly to the Maine.gov website which lists in detail the privacy policies of the State of Maine.

**13. LISTS OF REPORTS AND SIMILAR PAPERWORK REQUIRED TO BE FILED WITH THE AGENCY BY THE PUBLIC**

None are required.

**14. OTHER INFORMATION SPECIFICALLY REQUESTED BY THE COMMITTEE OF JURISDICTION**

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

**ADDENDA**

- A. Maine State Museum Commission Members**
- B. Enabling Legislation**
- C. Rules**
- D. Code of Ethics**
- E. Letter of Support**

**MAINE STATE MUSEUM COMMISSION, October 2007**

Margaret M. Kelley, Chair, E. Winthrop

Renny A. Stackpole, Secretary, Thomaston

Rita L. Dube, Lewiston

Linda M. Frinsko, Gorham

Shirlene Gosline, Gardiner

Bruce Hertz, Wayne

David McCullough, Gorham

Charles J. Micoeau, Portland

William M. Murray, Portland

Howard Segal, Bangor

Ralph L. Snow, Woolwich

Brooks Stoddard, Brunswick

Susan Stowell, Weld

Elsie Viles, Augusta

Victoria Wilson, Brunswick

## Title 27, Chapter 2, STATE MUSEUM

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we do require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 122nd Legislature, and is current through December 31, 2006, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office CANNOT perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

### Chapter 2: STATE MUSEUM

#### Subchapter 1: GENERAL PROVISIONS

##### §81. Declaration of policy

The Legislature declares it is the policy of the State that in order to further the cultural and educational interests of the people of the State, to present through the use of its collections and activities the proud heritage and unique historical background, and to preserve and exhibit the environmental and cultural richness of the State, there is established the Maine State Museum. [1965, c. 502, § 1 (new) .]

PL 1965, Ch. 502, §1 (NEW) .

##### §82. Maine State Museum Commission

The Governor shall appoint the Maine State Museum Commission, as established by Title 5, section 12004-G, subsection 7-C, consisting of 15 members especially qualified and interested in the several fields of museum activity. Of those members first appointed, 5 are appointed for terms of 2 years, 5 for 4 years and 5 for 6 years. Their successors are appointed for 4 years. Members are limited to 2 consecutive 4-year terms. Each member shall serve for the term of the appointment and until a successor is appointed and qualified. The commission shall elect a chair and vice-chair from its members. In case of the termination of a member's service during the term, the Governor shall appoint a successor for the unexpired term. Members are entitled to compensation in accordance with the provisions of Title 5, chapter 379. [1999, c. 706, §4 (amd); §9 (aff)]

PL 1965, Ch. 502, §1 (NEW) .

PL 1983, Ch. 812, §167 (AMD) .

PL 1989, Ch. 503, §B113 (AMD) .

PL 1989, Ch. 700, §B18 (AMD) .

PL 1999, Ch. 706, §4 (AMD) .

PL 1999, Ch. 706, §9 (AFF) .

##### §83. Powers and duties of Maine State Museum Commission

The general powers and duties of the commission are: [1965, c. 502, §1 (new) .]

**1. Administration.** To administer this chapter. In administering its provisions, the commission may formulate policies and exercise general supervision;

[1989, c. 700, Pt. B, §19 (amd) .]

**2. Prescribe duties of Museum Director.** To prescribe the duties of the Museum Director;

[1989, c. 700, Pt. B, §19 (amd) .]

**3. Delegate powers.** To delegate powers to the Museum Director necessary for the administration of this chapter;

[1991, c. 622, Pt. V, §2 (amd) .]

**4. Recommendations.** To make recommendations to the Maine State Cultural Affairs Council for such legislation as may be necessary to improve the functioning of the Maine State Museum; and



## Title 27, Chapter 2, STATE MUSEUM

access, use and reproduction of museum collections may be appealed to the commission within 30 days for final determination by the commission;

[1987, c. 465, §2 (new).]

**4. Acceptance of gifts, grants, donations, bequests, endowments and membership fees.** To accept gifts, grants, donations, bequests, endowments and membership fees for purposes consistent with the purposes of this chapter. Any funds, if given as an endowment or trust, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. All gifts, grants, donations, bequests and proceeds of endowment funds must be used solely to carry out the purposes for which they were made; [1999, c. 452, §1 (amd).]

**5. Biennial report.**

[1989, c. 700, Pt. B, §22 (rp).]

**6. General.** To carry out the policies and directives of the Maine State Museum Commission;

[1987, c. 465, §2 (new).]

**7. Collection.** To institute and maintain a program of systematic collection in the several fields of museum activity with particular emphasis on those fields relating to this State;

[1987, c. 465, §2 (new).]

**8. Preservation and restoration.** To preserve, identify, catalogue, document and safeguard the collections of the museum;

[1987, c. 465, §2 (new).]

**9. Research and publications.** To carry on research to increase knowledge in the several fields of museum activity and to provide interpretive and information services, including the dissemination and recording of information gathered through research. Protection through copyright law may be obtained;

[1987, c. 465, §2 (new).]

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

[1987, c. 465, §2 (new).]

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

[1987, c. 465, §2 (new).]

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

[1987, c. 465, §2 (new).]

**13. Educational stipends.** To provide educational field school opportunities in concert with archaeological and conservation projects by providing educational stipends from funds secured from nongeneral fund sources.

[1987, c. 465, §2 (new).]

PL 1987, Ch. 465, §2 (NEW).

PL 1989, Ch. 700, §B21,22 (AMD).

PL 1991, Ch. 780, §M1,2 (AMD).

PL 1999, Ch. 452, §1 (AMD).

### §86. Acquisition, ownership and disposition of property and size and storage of collection

**I. Acquisition.** The Maine State Museum is authorized to accept donations of property for the sole use of the museum provided the donations are of a nature to carry out and promote the purposes of this chapter. The Maine State Museum may purchase works of art, artifacts and specimens for the enrichment of the collections from funds provided in the budget, secured from private donations or bequests or generated from the disposition of deaccessioned items.

[1985, c. 763, Pt. A, § 77 (amd).]

## Title 27, Chapter 2, STATE MUSEUM

PL 1971, Ch. 544, §84 (NEW).

### §89. Publication fund (REPEALED)

PL 1971, Ch. 544, §84 (NEW).

PL 1987, Ch. 465, §3 (AMD).

PL 1991, Ch. 780, §M3 (AMD).

PL 2005, Ch. 386, §M1 (RP).

### §89-A. Museum sales program and publishing endowment

**1. Revolving fund.** There is established within the Maine State Museum a revolving fund for the use of the museum to cover the operation of the museum sales program. The Museum Director is authorized to purchase, establish the price of, sell and restock through the museum sales program publications, reproductions, handcrafts, prints and paintings, gifts and decorative items, paper products, education materials, hobbyist materials and other items that relate to the museum's mission and programs. Income from the sale of these materials must be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of this subsection and subsection 2.

[2005, c. 386, Pt. M, §2 (new).]

**2. Maine State Museum Endowment for Publishing.** The Maine State Museum Endowment for Publishing is established. On an annual basis, a percentage of the proceeds from the museum sales program's revolving fund established in subsection 1 may be deposited in the Maine State Museum Endowment for Publishing to be invested by the Treasurer of State according to the laws governing the investment of trust funds. The percentage deposited must be determined by the Museum Director and approved by the Maine State Museum Commission after the director ensures that the funds remaining in the revolving fund are sufficient to sustain the museum sales program in a fiscally sound manner.

As determined by the Museum Director, the endowment's principal and interest may be used periodically to fund all or part of the costs of preparation, design and printing of museum publications that will be sold or distributed through the museum sales program.

Private donations or grant funds to support the museum's publishing program may also be deposited into the endowment established in this subsection.

[2005, c. 386, Pt. M, §2 (new).]

PL 2005, Ch. 386, §M2 (NEW).

### §90. Conservation fund

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

[1975, c. 746, § 25 (new).]

**2. Prices and rates.** The director is authorized to establish such prices, fees or rates for materials or services provided by the Conservation Center as may be appropriate to assure maintenance of the fund and continuation of conservation activities.

[1975, c. 746, § 25 (new).]

**3. Income.** Income received from such fees for services or materials, or through contributions, allocations, grants or bequests from private, corporate, institutional and governmental sources for this purpose, shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of subsection 1.

[1975, c. 746, § 25 (new).]

PL 1975, Ch. 746, §25 (NEW).

### §90-A. Reproductions of museum collections

**1. Authorization.** The Maine State Museum may enter into licensing or similar arrangements for reproductions of selected items from the museum collections.

## Title 27, Chapter 2, STATE MUSEUM

### Subchapter 2: ACCEPTANCE OF WORKS OF ART FROM ESTATES

#### §91. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms shall have the following meanings. [1979, c. 526, § 2 (new).]

**1. Commission.** "Commission" means the Maine State Museum Commission. [1979, c. 526, § 2 (new).]

**2. Work of art.** "Work of art" includes any painting, portrait, mural, decoration, stained glass, statue, tablet, bas-relief, ornament, fountain or other article or structure of a permanent character intended for decoration or commemoration, and any historical material defined in section 86-A.

[1979, c. 526, § 2 (new).]

PL 1979, Ch. 526, §2 (NEW).

#### §92. Payment of inheritance and estate tax in works of art

A decedent's estate may pay all or part of any tax owed by the decedent's estate to the State by payment in the form of one or more works of art, subject to section 93. An executor, administrator or trustee shall follow the procedure set out in section 93 to make payment in works of art taken from the decedent's estate: [1979, c. 526, § 2 (new).]

**1. Decedent directs.** If the decedent has so directed by a will; or [1979, c. 526, § 2 (new).]

**2. Executor, administrator or trustee finds advantage.** In the absence of a direction in the decedent's will, if the executor, administrator or trustee finds that this method of payment is advantageous to the estate.

[1979, c. 526, § 2 (new).]

PL 1979, Ch. 526, §2 (NEW).

#### §93. Procedure for payment in works of art

**1. Selection.** The executor, administrator or trustee of any estate, desiring to pay all or part of an estate tax or inheritance tax owed the State in one or more works of art, shall notify the commission of his desire to do so. The commission shall, within a reasonable period of time and after consulting with the Maine Arts Commission, notify the executor, administrator or trustee, and the State Tax Assessor, as to whether, in the judgment of the commission, it would be advantageous to the State to accept one or more works of art as payment for the estate or inheritance tax. The commission's decision shall be final and nonappealable.

Acceptance of a work of art is advantageous to the State if its acceptance:

A. Encourages the preservation of original or noteworthy works of art; [1979, c. 526, § 2 (new).]

B. Furthers the preservation and understanding of fine arts traditions which have existed in Maine; [1979, c. 526, § 2 (new).]

C. Furthers the understanding of the fine arts by the people of Maine; or [1979, c. 526, § 2 (new).]

D. Aids in establishment of important state collections of works of art. [1979, c. 526, § 2 (new).]  
[1985, c. 763, Pt. A, § 79 (amd).]

**2. Agreement on valuation.** If the commission finds that it would be advantageous for the State to accept payment in one or more works of art as payment for the estate or inheritance tax, the commission and the executor, administrator or trustee shall, as a condition of state acceptance of this method of payment, mutually agree in writing on the current market value at the time of the decedent's death of each work of art proposed to be accepted. Upon agreement, the commission shall forward a copy of the proposed valuation to the State Tax Assessor, who shall have 45 days from the date of notification to object to that valuation.

If the State Tax Assessor objects, he shall set forth his objection in writing and forward that objection to the commission and to the executor, administrator or trustee, who may, taking into account the State Tax Assessor's objections, submit a new agreed upon valuation.

## **Title 27, Chapter 2, STATE MUSEUM**

Subchapter 3: CONSERVATION AND PRESERVATION (HEADING:  
REALLOCATED TO CHAPTER 1, SUBCHAPTER 4 BY PL 2003, c. 688, Pt. A, §28)

### **§94. Definitions (REPEALED) (REALLOCATED TO TITLE 27, SECTION 71)**

PL 1985, Ch. 754, §1 (NEW).  
PL 2003, Ch. 688, §A29 (RAL).

### **§95. Annual appropriation (REPEALED) (REALLOCATED TO TITLE 27, SECTION 72)**

PL 1985, Ch. 754, §1 (NEW).  
PL 1989, Ch. 700, §B23 (AMD).  
PL 2003, Ch. 688, §A30 (RAL).

## Title 27, Chapter 13, ARCHAEOLOGY

### Subchapter 2: STATE-OWNED OBJECTS AND SPECIMENS

#### §371. Statement of policy

The Legislature, in recognizing the importance of Maine's cultural heritage of the distant past to our understanding of Maine's people, declares that it is the policy of this State to preserve and protect archaeological sites for proper excavation and interpretation. [1981, c. 55, § 2 (new).]

It is in the public interest to provide for the preservation and interpretation of archaeological artifacts and specimens for the benefit of the people of the State. In order to ensure proper preservation and interpretation of artifacts, specimens and materials which are found on, in or beneath state-controlled lands, it is in the public interest that a single state department be designated to hold title, as trustee for the State, to all such artifacts, specimens and materials, except as may be authorized by section 376. [1981, c. 55, § 2 (rpr).]

The State Museum is best qualified to assume that trusteeship by virtue of the fact that its facilities are intended to function primarily for the purpose of preserving and interpreting artifacts, specimens and materials as defined within this subchapter. [1989, c. 700, Pt. A, §110 (amd).]

PL 1969, Ch. 398, § (NEW).

PL 1981, Ch. 55, §2 (RPR).

PL 1989, Ch. 700, §A110 (AMD).

#### §372. Legislative intent

**1. Transference of custody.** The several departments of the State are authorized to transfer any archaeological objects, materials or specimens in their possession to the custody and trusteeship of the State Museum. [1989, c. 700, Pt. A, §111 (amd).]

**2. Museum responsibility.** The State designates the State Museum to hold title, as trustee for the State, to all archaeological objects, materials and specimens found on, in or beneath state-controlled lands. The State charges the State Museum with the responsibility of protecting, preserving and interpreting such objects, materials and specimens as may be placed under its trusteeship; preventing their defacement, damage, destruction or unauthorized removal; and ensuring their continued availability for scientific study by qualified persons, agencies or institutions.

[1989, c. 700, Pt. A, §111 (amd).]

PL 1969, Ch. 398, § (NEW).

PL 1981, Ch. 55, §3 (RPR).

PL 1989, Ch. 700, §A111 (AMD).

#### §373. Definitions (REPEALED)

PL 1969, Ch. 398, § (NEW).

PL 1981, Ch. 55, §4 (RP).

#### §373-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 55, §5 (new).]

**1. Artifact.** "Artifact" means a physical entity which has been worked or modified by human action. [1981, c. 55, §5 (new).]

**2. Authorized representative.** "Authorized representative" means any official or group of officials employed by the permitors or other competent person authorized in writing by the permitors. [1981, c. 55, §5 (new).]

**3. Excavation.** "Excavation" means any turning over, removal or disturbance of the soil, artifact in the soil or ground matrix or recovery or disturbance of artifacts that are fully or partially submerged in the water and tidal sites. "Excavation" includes, but is not limited to, activities such as purposeful looting, material procurement, construction activities or vandalism. In the case of private proper

## Title 27, Chapter 13, ARCHAEOLOGY

PL 1989, Ch. 700, §A112 (AMD) .  
PL 1995, Ch. 146, §1 (AMD) .  
PL 1999, Ch. 748, §1 (AMD) .

### §374. Legislative provisions

**1. Purpose.** The people of this State benefit only when a site is systematically excavated, analyzed and interpreted by a qualified principal investigator.

[1981, c. 55, § 6 (new) .]

**2. Permit procedure.** The procedure for obtaining a permit to excavate a site shall be as follows.

A. Any person, agency or institution desiring to excavate a site shall submit a written application. [1981, c. 55, § 6 (new) .]

B. Application for a permit shall be in the form of a letter and research proposal directed to the Director of the Maine Historic Preservation Commission and shall be accompanied by a copy of the preservation agreement attested by the Register of Deeds and the written permission of the landowner to proceed with the excavation. The landowner may give permission to excavate in the preservation agreement. [1981, c. 55, § 6 (new) .]

C. The permit to excavate shall be cosigned by the Director of the Maine Historic Preservation Commission and the Director of the State Museum, except for state-controlled lands where the permit also shall be cosigned by the director of the agency with primary jurisdiction. [1989, c. 700, Pt. A, §113 (amd) .]

D. The application shall state the nature and specific location of the artifacts, specimens and materials to be removed, the legal name and address of the person, agency or institution seeking authorization and the date or dates on which the artifacts, specimens or materials are to be removed. [1981, c. 55, § 6 (new) .]

E. Upon receipt of an application, the permitors may issue a written permit authorizing the excavation of the site for such term and upon such conditions as they deem reasonable and which are consistent with subsection 3. [1981, c. 55, § 6 (new) .]  
[1989, c. 700, Pt. A, §113 (amd) .]

**3. Permit conditions.** The conditions which may be imposed upon a permit are as follows.

A. In order to minimize damage to state-controlled lands and to artifacts, specimens or materials to be removed, and, in order to ensure the recording and preservation of significant data regarding those artifacts, specimens, materials or sites, the permit may set forth requirements or limitations regarding the methods and equipment to be employed in the removal, the procedures to be followed in documenting the removal and the report or reports, if any, to be submitted to officials or agencies of the State upon completion of the removal activities. [1981, c. 55, § 6 (new) .]

B. The permitors may require that an authorized representative of the State be present to witness and document the removal of artifacts, specimens or materials from state-controlled land. [1981, c. 55, § 6 (new) .]

C. The permit shall clearly indicate the type of artifacts, specimens or materials to be removed, the location of the site, the time of the proposed removal activity or excavation, the legal name and address of the permittee and any other limitations and requirements that may be imposed by the permitors. [1981, c. 55, § 6 (new) .]

D. On excavations authorized by the permit process, the principal investigator should normally possess the minimum qualifications of a graduate degree in anthropology, archaeology or a related field, accompanied by institutional facilities to ensure proper conservation and curation of the artifacts, materials and specimens or extensive experience and demonstrated ability. [1981, c. 55, § 6 (new) .]  
[1981, c. 55, § 6 (new) .]

**4. Permit revocation.** All permitors, or their authorized representatives, may revoke or suspend a permit if there is evidence to indicate that the permittee has violated or exceeded the limitations of his permit, or if there is evidence to indicate that artifacts, materials or the site are being unnecessarily defaced, damaged or destroyed in the course of their removal. Any willful violation of the provisions or limitations of a permit is grounds for immediate revocation of the permit and shall be construed as unauthorized excavation.  
[1981, c. 55, § 6 (new) .]

## Title 27, Chapter 13, ARCHAEOLOGY

[1981, c. 55, § 7 (new).]

4. **Artifact ownership.** Artifacts, objects, materials and specimens recovered from sites on state-controlled land are the property of the State Museum. Artifacts, objects, specimens or materials originating from a site on other than state-controlled land are the property of the landowner and shall be deposited with a suitable repository as designated by the landowner in the preservation agreement, or the permit.

[1989, c. 700, Pt. A, §114 (amd).]

PL 1981, Ch. 55, §7 (NEW).

PL 1989, Ch. 700, §A114 (AMD).

### §377. Protection of site location information

In order to protect the site from unlawful excavation or harm, any information on the location or other attributes of any site in the possession of the Maine Historic Preservation Commission, the State Museum, the Bureau of Parks and Lands, other state agencies or the University of Maine System may be deemed by the Maine Historic Preservation Commission or State Museum to be confidential and exempt from Title I, chapter 13. Such data shall be made available for the purpose of archaeological research. The directors of the Maine Historic Preservation Commission and the State Museum shall jointly adopt rules establishing standards and procedures for obtaining the data, and may impose reasonable requirements on its use, including requirements of confidentiality. [1995, c. 502, Pt. E, §30 (amd).]

PL 1981, Ch. 55, §7 (NEW).

PL 1985, Ch. 779, §74 (AMD).

PL 1989, Ch. 700, §A115 (AMD).

PL 1995, Ch. 502, §E30 (AMD).

### §378. Emergency site designation

In the case of an area containing archaeological materials or artifacts that is directly threatened with unauthorized excavation, the Director of the Maine Historic Preservation Commission, with the written permission of the landowner, may designate the area as a site that is subject to this chapter for a period not to exceed 10 years. The director and the landowner shall specify in writing the area that is subject to this chapter. All sites given emergency designation under this section must be posted against unauthorized excavation.

[1999, c. 748, §3 (amd).]

PL 1981, Ch. 568, §4 (NEW).

PL 1995, Ch. 146, §2 (AMD).

PL 1999, Ch. 748, §3 (AMD).

PUBLIC Law, Chapter 100, 123rd Maine State Legislature  
An Act Regarding the Terms of Members of the Maine State Museum Commission

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.



## Abandoned Shipwreck Act of 1987

---

This Act became law on April 28, 1988 (Public Law 100-298; 43 U.S.C. 2101-2106). It has not been amended. This description of the Act tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act) rather than to the "subchapter" or the "title" of the Code.

43 U.S.C. 2101,  
Findings

### Section 2

The Congress finds that—

- (a) States have the responsibility for management of a broad range of living and nonliving resources in State waters and submerged lands; and
- (b) included in the range of resources are certain abandoned shipwrecks, which have been deserted and to which the owner has relinquished ownership rights with no retention.

43 U.S.C. 2102,  
Definitions

### Section 3

For purposes of this Act—

- (a) the term "embedded" means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof;
- (b) the term "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the National Historic Preservation Act [16 U.S.C. 470a];
- (c) the terms "public lands", "Indian lands", and "Indian tribe" have the same meaning given the terms in the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa-470ll);
- (d) the term "shipwreck" means a vessel or wreck, its cargo, and other contents;
- (e) the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and
- (f) the term "submerged lands" means the lands—

## Abandoned Shipwreck Act of 1987

43 U.S.C. 2104,  
Preparation of  
guidelines

43 U.S.C. 2104(a),  
Purpose of guidelines,  
Federal Register  
publication

### Section 5

(a) In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive management of underwater resources related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after April 28, 1988, prepare and publish guidelines in the Federal Register which shall seek to:

- (1) maximize the enhancement of cultural resources;
- (2) foster a partnership among sport divers, fishermen, archeologists, salvors, and other interests to manage shipwreck resources of the States and the United States;
- (3) facilitate access and utilization by recreational interests;
- (4) recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.

43 U.S.C. 2104(b),  
Consultation in  
developing guidelines

(b) Such guidelines shall be developed after consultation with appropriate public and private sector interests (including the Secretary of Commerce, the Advisory Council on Historic Preservation, sport divers, State Historic Preservation Officers, professional dive operators, salvors, archeologists, historic preservationists, and fishermen).

43 U.S.C. 2104(c),  
Guidelines, regula-  
tions, and legislation

(c) Such guidelines shall be available to assist States and the appropriate Federal agencies in developing legislation and regulations to carry out their responsibilities under this Act.

43 U.S.C. 2105,  
Rights of ownership

### Section 6

43 U.S.C. 2105(a),  
United States title

(a) The United States asserts title to any abandoned shipwreck that is—

- (1) embedded in submerged lands of a State;
- (2) embedded in coralline formations protected by a State on submerged lands of a State; or
- (3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

# Native American Graves Protection and Repatriation Act

## AS AMENDED

---

This Act became law on November 16, 1990 (Public Law 101-601; 25 U.S.C. 3001 et seq.) and has been amended twice. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code.

25 U.S.C. 3001,  
Definitions

### Section 2

For purposes of this Act, the term—

(1) "burial site" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

(2) "cultural affiliation" means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) "cultural items" means human remains and—

(A) "associated funerary objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

(B) "unassociated funerary objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe,

## Native American Graves Protection and Repatriation Act

(8) “museum” means any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such term does not include the Smithsonian Institution or any other Federal agency.

(9) “Native American” means of, or relating to, a tribe, people, or culture that is indigenous to the United States.

(10) “Native Hawaiian” means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(11) “Native Hawaiian organization” means any organization which—

(A) serves and represents the interests of Native Hawaiians,

(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and

(C) has expertise in Native Hawaiian Affairs, and

shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei.

(12) “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(13) “right of possession” means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession of that object, unless the phrase so defined would, as applied in section 7(c) of this Act [25 U.S.C. 3005(c)], result in a Fifth Amendment taking by the United States as determined by the United States Court of Federal Claims pursuant to

## Native American Graves Protection and Repatriation Act

(C) if the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe—

(1) [sic] in the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(2) [sic] if it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (1), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

25 U.S.C. 3002(b),  
Unclaimed Native  
American remains and  
objects

(b) Native American cultural items not claimed under subsection (a) of this section shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under section 8 of this Act [25 U.S.C. 3006], Native American groups, representatives of museums and the scientific community.

25 U.S.C. 3002(c),  
Intentional excavation  
and removal of Native  
American human  
remains and objects

(c) The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if—

(1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979, as amended, [16 U.S.C. 470cc] which shall be consistent with this Act;

(2) such items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate (if any) Indian tribe or Native Hawaiian organization;

(3) the ownership and right of control of the disposition of such items shall be as provided in subsections (a) and (b) of this section; and

(4) proof of consultation or consent under paragraph (2) is shown.

# Native American Graves Protection and Repatriation Act

18 U.S.C. 1170,  
Illegal trafficking  
in Native American  
human remains and  
cultural items

## Section 4

(a) Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

### Section 1170

“(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both.”

“(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Grave Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both.”

(b) The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

“1170, Illegal Trafficking in Native American Human Remains and Cultural Items.”

25 U.S.C. 3003,  
Inventory for human  
remains and associ-  
ated funerary objects

25 U.S.C. 3003(a),  
In general

25 U.S.C. 3003(b),  
Requirements

## Section 5

(a) Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

(b)(1) The inventories and identifications required under subsection (a) of this section shall be—

# Native American Graves Protection and Repatriation Act

(2) The notice required by paragraph (1) shall include information—

(A) which identifies each Native American human remains or associated funerary objects and the circumstances surrounding its acquisition;

(B) which lists the human remains or associated funerary objects that are clearly identifiable as to tribal origin; and

(C) which lists the Native American human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with that Indian tribe or Native Hawaiian organization, but which, given the totality of circumstances surrounding acquisition of the remains or objects, are determined by a reasonable belief to be remains or objects culturally affiliated with the Indian tribe or Native Hawaiian organization.

(3) A copy of each notice provided under paragraph (1) shall be sent to the Secretary who shall publish each notice in the Federal Register.

25 U.S.C. 3003(e),  
Definition of  
inventory

(e) For the purposes of this section, the term “inventory” means a simple itemized list that summarizes the information called for by this section.

25 U.S.C. 3004,  
Summary for unassociated  
funerary objects, sacred  
objects, and cultural  
patrimony

## Section 6

25 U.S.C. 3004(a),  
In general

(a) Each Federal agency or museum which has possession or control over holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony shall provide a written summary of such objects based upon available information held by such agency or museum. The summary shall describe the scope of the collection, kinds of objects included, reference to geographical location, means and period of acquisition and cultural affiliation, where readily ascertainable.

25 U.S.C. 3004(b),  
Requirements for the  
summary

(b)(1) The summary required under subsection (a) of this section shall be—

(A) in lieu of an object-by-object inventory;

(B) followed by consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; and

## Native American Graves Protection and Repatriation Act

(4) Where cultural affiliation of Native American human remains and funerary objects has not been established in an inventory prepared pursuant to section 5 of this Act [25 U.S.C. 3003], or the summary pursuant to section 6 of this Act [25 U.S.C. 3004], or where Native American human remains and funerary objects are not included upon any such inventory, then, upon request and pursuant to subsections (b) and (e) of this section and, in the case of unassociated funerary objects, subsection (c) of this section, such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

(5) Upon request and pursuant to subsections (b), (c) and (e) of this section, sacred objects and objects of cultural patrimony shall be expeditiously returned where—

(A) the requesting party is the direct lineal descendant of an individual who owned the sacred object;

(B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or

(C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object under this Act.

25 U.S.C. 3005(b),  
Scientific study

(b) If the lineal descendant, Indian tribe, or Native Hawaiian organization requests the return of culturally affiliated Native American cultural items, the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States. Such items shall be returned by no later than 90 days after the date on which the scientific study is completed.



## Native American Graves Protection and Repatriation Act

25 U.S.C. 3006(b),  
Committee  
membership

(b)(1) The Committee established under subsection (a) of this section shall be composed of 7 members,

(A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders;

(B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and

(C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of the members appointed pursuant to subparagraphs (A) and (B).

(2) The Secretary may not appoint Federal officers or employees to the committee.

(3) In the event vacancies shall occur, such vacancies shall be filled by the Secretary in the same manner as the original appointment within 90 days of the occurrence of such vacancy.

(4) Members of the committee established under subsection (a) of this section shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in committee business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5 [United States Code].

25 U.S.C. 3006(c),  
Committee  
responsibilities

(c) The committee established under subsection a) of this section shall be responsible for—

(1) designating one of the members of the committee as chairman;

(2) monitoring the inventory and identification process conducted under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004] to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(3) upon the request of any affected party, reviewing and making findings related to—

## Native American Graves Protection and Repatriation Act

- 25 U.S.C. 3006(g),  
Duties of the  
Secretary, regulations,  
and administrative  
support
- (g) The Secretary shall—
- (1) establish such rules and regulations for the committee as may be necessary, and
  - (2) provide reasonable administrative and staff support necessary for the deliberations of the committee.
- 25 U.S.C. 3006(h),  
Annual report to  
Congress
- (h) The committee established under subsection (a) of this section shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.
- 25 U.S.C. 3006(i),  
Committee  
termination
- (i) The committee established under subsection (a) of this section shall terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the committee has been completed.
- 25 U.S.C. 3007,  
Penalty assessment,  
museums
- ### Section 9
- (a) Any museum that fails to comply with the requirements of this Act may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.
- 25 U.S.C. 3007(a),  
Penalty
- 25 U.S.C. 3007(b),  
Amount of penalty
- (b) The amount of a penalty assessed under subsection (a) of this section shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—
- (1) the archaeological, historical, or commercial value of the item involved;
  - (2) the damages suffered, both economic and noneconomic, by an aggrieved party, and
  - (3) the number of violations that have occurred.

## Native American Graves Protection and Repatriation Act

(4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or

(5) limit the application of any State or Federal law pertaining to theft or stolen property.

25 U.S.C. 3010,  
Special relationship  
between the Federal  
Government and  
Indian tribes and  
Native Hawaiian  
organizations

### Section 12

This Act reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

25 U.S.C. 3011,  
Regulations

### Section 13

The Secretary shall promulgate regulations to carry out this Act within 12 months of November 16, 1990.

25 U.S.C. 3012,  
Authorization of  
appropriations

### Section 14

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

25 U.S.C. 3013,  
Judicial jurisdiction  
and enforcement

### Section 15

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this Act and shall have the authority to issue such orders as may be necessary to enforce the provisions of this Act.

94-073 MAINE STATE MUSEUM

Chapter 501: USE OF MUSEUM FACILITIES

SUMMARY: Rules and Regulations for the use and security of materials and facilities of the Maine State Museum.

1. Declaration of Policy

The facilities of the Maine State Museum are to be used in furtherance of the Legislative Declaration of Policy as stated in 27 MRSA §81.

A. General Use of Facilities. Facilities shall be used only when such use would further the cultural and educational interests of this state through the use of the Museum's collections and exhibits.

B. Use of Classrooms and Educational Facilities. The classrooms and educational facilities shall be used solely for lectures, demonstrations, discussions and presentations which bear on this state's and this nation's cultural, environmental and historical background. Use will be restricted to the following purposes in order of priority:

1. Museum-sponsored school programs.
2. Other Museum-sponsored and administered programs.
3. State agencies and groups or organizations conducting programs or activities in cooperation with the Maine State Museum, which activities are supportive of the environmental, cultural and historical development of the State.

2. Conflict with Needs for Security

The security of collections, including the permanent collections and loan materials in storage or on exhibit are of paramount concern, accordingly, no use of facilities will be permitted which will conflict with that paramount responsibility.

3. Access to Public Areas

Visitors to the Maine State Museum will be allowed access to all exhibit areas on the first and third floors and mezzanine area, as well as the offices on the fifth floor for Museum

- An adaptation, or modification of the original artifact or use of one of its parts or design features; it differs in terms of either material, appearance, or function while retaining a clear sense and statement of the original artistic and/or historical characteristics which make the artifact unique.

### 3. PURPOSES OF REPRODUCTION

The authorized reproduction of artifacts in the Maine State Museum collections is deemed beneficial to the Museum and the State of Maine for the following purposes:

1. To replace original artifacts which are a type specimen or too fragile and/or valuable to be used on exhibition or as furnishings, or when the appropriate original artifacts for a specific exhibition or furnishing plan are not present in sufficient quantities in the collections;
2. To enhance the interpretation at historic sites and museums in the state and elsewhere through active craft and/or living history demonstrations and related activities;
3. To increase public awareness of the collections, enhance the educational experience, and provide aesthetic pleasure through the sale of the same;
4. To provide a potential source of income for further development of other Museum activities.

### 4. STANDARDS FOR DECISIONS ON REPRODUCTION RIGHTS

#### A. Reproductions for Commercial Sale

Reproduction privileges for commercial sale purposes may be granted solely at the discretion of the Director and the Commission, and only upon the following findings:

1. Damage to the original artifact is unlikely to occur;
2. The reproduction will convey a clear sense of the artistic and/or historical characteristics of the original artifact;
3. Craftsmen are available to produce reproductions of high quality;
4. Adequate safeguards exist to distinguish the reproduction from original artifacts;

STATUTORY AUTHORITY: 27 M.R.S.A. §§83, 85

EFFECTIVE DATE:

June 28 1987

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 19, 1997

NON-SUBSTANTIVE CHANGES:

January 28, 1999 - converted to Microsoft Word.

94-073 MAINE STATE MUSEUM

Chapter 506: PUBLIC ACCESS TO AND USE OF MUSEUM COLLECTIONS

SUMMARY: This rule establishes standards and procedures governing access to and the use of collections of the Maine State Museum.

1. PURPOSE; SCOPE OF RULE

The Maine State Museum recognizes an obligation to encourage study of the history and cultural heritage of the State. The purpose of this rule is to establish standards and procedures to govern access by the public to collections of the Museum which will foster the goal of research and also preserve and protect these holdings for the enjoyment of the public at large.

2. DEFINITIONS

The terms used in this rule have the following meanings:

Commission: "Commission" means the Maine State Museum Commission as established by Title 5, section 12004.

Director: "Director" means the Director of the Maine State Museum.

Collections: "Collections" means all items, artifacts, works of art, photographs or graphic representations held by the Museum, either in title or on loan whether exhibited or stored.

Museum: "Museum" means the Maine State Museum.

3. ACCESS TO MUSEUM COLLECTIONS

A. General Principles Governing Access

1. Access to Museum collections for reference and study purposes shall be determined by the Director, or his designee, in accordance with the conditions specified in this rule and shall not be unreasonably denied.
2. Access to collections may be supervised, limited, controlled or denied by the Director, or his designee, if such activities would not be in the public interest. In responding to a request for access, the Director shall consider the following:

- c. Secure, maintain or reimburse the Museum for adequate liability insurance coverage and other insurance specified by the director;
- d. Pay any damages caused by the activities related to the photography and pay costs incurred to accommodate the photography such as electrical and extra staff time and security work;
- e. Comply with all instructions or conditions concerning the name and identification of the Museum, such as inclusion or exclusion of captions or credit lines, specific disclaimers of connection with the Museum;
- f. Comply with all applicable restrictions such as those which exist to protect copyright, trade rights, privacy interests or the terms of a loan, gift or other acquisition agreement.

**B. Photography by Museum Staff**

1. All photographs or other graphic reproductions of Museum collections other than photography of exhibits for personal use will be made by the Museum staff, unless specific exception is granted by the Director. Exceptions may be granted for photography employed as an information gathering device to be used by an individual doing personal research, subject to limitations concerning the safety and conservation of collections. If such photographs are to be used for other than personal reference, a separate request for photographic access must be submitted.
2. Requests for photographs or other reproductions must be submitted to the Director on a form designated by him.
3. Photographs will be provided as quickly as possible, consistent with other Museum programs and institutional duties and depending on the availability of selected staff.
4. The Director will establish, and adjust as needed, a fee schedule for all photographic or other copy work done by Museum staff. Fees will be payable in advance, except through special arrangements with the Director.
5. All photographs prepared by the Museum will bear the Museum's copyright notice and may bear notice of the specific requirement or limitations for publication purposes.



94-073 MAINE STATE MUSEUM

Chapter 511: CONSERVATION CENTER

SUMMARY: To establish rules and regulations for the Conservation Center.

1. Purpose

The Maine State Museum Conservation Center performs conservation services on historical and artistic works of significance to the cultural and environmental heritage of Maine. 27 M.R.S.A. §85.3 Operational Procedures.

2. Conservation Policy Decisions

Conservation policy decisions are established by the Maine State Museum Commission. Administration of Commission policy is the responsibility of the Director of the Maine State Museum.

3. Organization

Supervision of the Conservation Center is assigned on a continuing basis to the Research and Collections Division.

4. Procedure for Handling Requests

- A. Requests for Services. Requests for conservation work, consulting services, cost estimates, etc. will be referred to the Director or his designate.
- B. Consultation. Artifacts brought to the Conservation Center by the owner will be examined without cost for an informal evaluation. Upon owner's written authorization, a written condition report will be prepared together with a statement of treatment required when appropriate. Such services will be billed at the rates established in the fee schedule.
- C. Conservation Treatment. If the owner wishes to have the treatment performed at the Conservation Center, the owner must sign a release statement authorizing the conservation treatment and guaranteeing payment upon delivery of the conserved artifact.

10. Code of Dress

Persons visiting or using the museum facilities are required to be adequately clothed, including shoes and shirts.

11. Pets

With the exception of Seeing Eye dogs, no pets will be permitted within the museum galleries.

12. Food and Beverage

No food or beverage will be permitted in the Museum galleries without the express permission of the Director.

---

STATUTORY AUTHORITY: 27 MRSA §85.3

EFFECTIVE DATE:

May 21, 1979

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 19, 1997

NON-SUBSTANTIVE CHANGES:

January 28, 1999 - converted to Microsoft Word.

STATUTORY AUTHORITY: 27 MRSA §85-A subsection 3

EFFECTIVE DATE:

May 21, 1979 – as “Publications Program”

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 19, 1997

NON-SUBSTANTIVE CHANGES:

January 28, 1999 - converted to Microsoft Word

REPEALED AND REPLACED:

January 1, 2006 – filing 2005-496 as “Maine State Museum Store”

Preservation Officer), who shall then consult with the Director of the Maine State Museum. Exceptions will be made for routine, limited use of the records for Cultural Resource Management purposes, in which case requests should be made orally or in writing to the certified archaeological staff of the Maine Historic Preservation Commission.

- E. State agencies other than the Maine State Museum or Maine Historic Preservation Commission are requested to restrict access to their files containing archaeological site location information, unless a request has been reviewed by the Directors of the Maine Historic Preservation Commission and the Maine State Museum.

### 3. Certification Criteria

Application for Maine Historic Preservation Commission certification should be made in the form of a letter accompanied by curriculum vitae. Criteria for certification will normally be a Ph.D. in anthropology, archaeology, or related field, extensive experience in Northeast archaeology, and a demonstrated, ongoing research interest in Maine archaeology.

STATUTORY AUTHORITY: 27 MRSA Sec. 7 S377

EFFECTIVE DATE:

April 22, 1982

EFFECTIVE DATE (ELECTRONIC CONVERSION):

April 21, 1996

NON-SUBSTANTIVE CHANGES:

January 26, 1999 - conversion to Microsoft Word 2.0.

the matter should be discussed with the Museum Director. In the case of the Director, the matter should be discussed with the Commission.

4. Commission members should not expect favors of the Museum or its employees that are not accorded to all members of the public. The Commission members should not prevail upon the staff directly or commit the staff to any obligation except through the office of the Museum Director.

### Collecting

The Museum recognizes that personal collecting introduces the possibility of conflict of interest inherent in such collecting. The following guidelines apply to all employees, Commission members, and volunteers:

1. Attempting or appearing to intercept a donation to the Museum in order to divert it to another collection, private or public, must be entirely avoided and is grounds for disciplinary action.
2. Every reasonable effort must be made to give the Museum the first opportunity (or right of refusal) to obtain any available collectible object relating to the State of Maine or the Maine State Museum collecting interest before it is obtained personally.
3. The object may be purchased if time is important and there is not sufficient time to inform the Museum Director, but the Museum Director must be subsequently informed and the Museum allowed to purchase the object at the original cost.
4. An employee, Commission member, or volunteer who decides to sell all or part of a personal collection must give the Museum the first opportunity to buy or refuse objects which relate to the State of Maine, or established Maine State Museum collecting interests, on the same terms offered to others.

### Dealing in Antiquities

“Dealing,” defined as a consistent buying and selling of antiquities, will be subject to the following restrictions:

1. Staff: No member of the staff may engage in dealing in artifacts like or similar to those in the Maine State Museum collections.
2. Commission Members and Volunteers: It is expected that artifacts of significance to the Museum’s collections will be offered to the Museum at the lowest price offered to the trade. For collections arising from auction business, the Museum should be alerted to items that have been consigned and that may be of special interest to the Museum.

## **Museum Store**

The Museum Store is primarily an extension of the educational aspect of the Museum and can be an important source of income. It is, therefore, the responsibility of the Museum administration and the Museum Store Manager to collaborate on a policy that will reflect their community of interest and purpose.

The use of the term “museum store” has specific meaning and carries with it important obligations to the public to ensure quality and authenticity.

### Management and Personnel

Since public perception of the Museum Store is closely tied to the parent institution, it is the responsibility of store personnel to be fully aware of the source, quality, authenticity and educational worth of all items sold in the store. Misrepresentations, whether intentional or not, reflect upon the reputation of the Museum as well as the Museum Store. All store personnel, whether paid or volunteer, are representatives of the Museum.

State personnel are ethically obligated to ensure that their status is not used as an excuse to exploit the commercial role of the Museum Store at the expense of its educational function. It is unethical for store personnel to use their museum affiliation for personal profit or to engage in any activity that may compromise the integrity of the institution or undermine the confidence of the Museum staff or the public.

### Deaccessioned Materials and the Museum Store

The sale of any deaccessioned materials through the Museum Store is unethical. Even though the item may have been officially deaccessioned, the public may perceive the transaction as the Museum Store participating in the liquidation of the Museum’s collection.

### Reproduction, Replicas and Derived Products

All reproductions and replicas must be clearly and indelibly identified as such. The Museum Store Manager is obligated to learn and observe applicable copyright laws.

Advertising implying that reproductions are original works is unethical, misleading and, in some instances, illegal. Any representation suggesting that the value of a reproduction appreciates is also unacceptable.

## **MAINE STATE MUSEUM CODE OF ETHICS**

### **Mission**

The mission of the Maine State Museum is to educate and inspire Maine's people and visitors by collecting, preserving, researching and exhibiting objects of Maine's natural and cultural heritage. We do this to promote an understanding of, and respect for the past, which is essential for Maine's future.

### **Introduction**

In keeping with its mission, the Maine State Museum recognizes its unique contribution to the public by researching, exhibiting, collecting, preserving and interpreting its collections through exhibitions, publications, programs, and presentations.

The Maine State Museum Commission, as established under 27 MRSA Section 82 and as steward of this mission, has set forth in this document the code of ethics by which the organization will fulfill its mission.

### **Ethics and the Law**

The Maine State Museum is grounded in the tradition of public service. It is organized under Maine law. The Friends of the Maine State Museum is a non-profit support organization also established under Maine law. Members of the Museum Commission, Friends board, employees, and volunteers are committed to conducting their activities in a professional manner in order to protect the interests of the Museum's beneficiaries, the public.

The law provides the basic framework for Museum operations. As a State agency, the Museum must comply with applicable local, state, and federal laws, and international conventions, as well as with the specific legal standards governing trust responsibilities. This Code of Ethics serves as a safeguard to ensure that the Museum fully complies with these legal standards. Legal requirements, however, provide only minimum standards. The Museum and those responsible for its operation must do more than avoid legal liability. They must take affirmative steps to maintain a standard of professional conduct and ethical integrity, with the goal of earning public confidence.

### **Loyalty**

Loyalty to the mission of the Maine State Museum is critical to the effective operation of all aspects of the Museum's work, whether volunteer or paid. Museum Commission members, Friends board members, employees, and volunteers should be familiar with the mission statement adopted by the Maine State Museum. Employees should be aware of

Any arrangement to share profits or royalties with the employee must be set forth in advance in a written contract with the Museum Commission.

3. Employees may not receive compensation for presenting lectures or other programs that would normally be assumed to be part of the duties of the position or that have been prepared or delivered on Museum time. In most circumstances, reasonable reimbursement to the staff member for traveling expenses will be allowed. Lecture fees and honoraria may be accepted for deposit into a Museum account supporting staff development, travel, or research.

### Outside Employment

Employment in addition to a full or part-time position at the Maine State Museum is subject to the following regulations:

1. Employment outside the Museum that duplicates a service normally offered by the Museum, or that may interfere with an employee's performance in their Museum responsibilities, should be with the prior written approval of the Museum Director who must be able to justify such approval to the Museum Commission. Any such employment by the Museum Director must be with the prior written approval of the Commission. Any employment which might result in a conflict of interest or diminish the Museum's public image will not be approved. Part-time employees will be refused permission only in very serious conflict situations.
2. Consulting for a fee must be done on the employee's own free time with the prior written approval of the Museum Director who must be able to justify this approval to the Museum Commission. All such consulting by the Museum Director is to be fully disclosed in writing to the Museum Commission in advance.
3. Evaluation or appraisal (for a fee or otherwise) is not the business of the Maine State Museum or its employees and must be entirely avoided.

### Gifts, Favors and Rebates

1. Maine State Museum employees may not accept gratuities for performing any of the duties normally recognized as part of the position the employee holds.
2. Tips, rebates, gifts, and/or favors intended to influence a purchase or policy decision (or which may appear to be so intended) are not to be accepted. Any gifts of value that may be given are considered to have been given to the "office" of the recipient, and therefore, should be promptly turned over to the Museum.
3. If there is any question as to the intent of a gift or its possible misinterpretation,



### Using Museum Property

1. Articles from the collection may not be removed for private use.
2. Tools, equipment, or supplies may not be removed from the Museum for personal use.
3. No person may willfully tamper with the Museum's property, alter its records, interfere with or prejudice its operating procedures.

### Other Allegiances

The Museum supports the right of all employees, Commission members and volunteers to their beliefs, and their right to join and support whatever clubs, organizations, or social causes they may choose. However, employees are hired to conduct Museum business and, therefore, should avoid proselytizing for political, religious, or other causes on Museum time or property.

1. The Museum mailing list, telephones, computer systems, supplies, equipment, and letterhead are not to be used for personal activities or in pursuit of personal causes. Computers and telephones may be used for limited urgent personal business as permitted by State policy.
2. No Maine State Museum employee, member of the Museum Commission, or volunteer may represent the Museum as taking a position with respect to an issue or cause unless that position has been adopted by the Commission and the employee or individual Commissioner has been designated to represent the institution in this matter. The Museum's name, prestige or reputation may not be indirectly used to support unauthorized causes.
3. Staff members and volunteers should not seek favors from, or attempt to ingratiate themselves with members of the Maine State Museum Commission, and should avoid showing any favoritism in dealing with the Museum's patrons.
4. Commission members, while serving in this position of authority over employees and volunteers, should not seek favors from or attempt to ingratiate themselves with these persons. They should also avoid showing any favoritism in dealing with the Museum's patrons.

### Public Relations

The Museum recognizes the rights of individuals to free speech as protected by the Federal and State constitutions and statutes. However, the Museum also recognizes that public relations and news commentaries concerning State or Museum policy need to be managed consistently and through appropriate channels of decision making. In response to media inquiries, all staff members must work through the Museum Director's office.

## **Collections**

The distinctive character of the Museum's ethics is derived from the ownership, care, and use of its collection. The stewardship of collections entails the highest public trust and carries with it the presumption of rightful ownership, permanence, care, documentation, accessibility, conformance with acquisition criteria and responsible deaccessioning.

Thus, the Museum ensures that:

- Collections in the Museum's custody support its mission and public trust responsibilities;
- Collections in the Museum's custody are protected, cared for, and preserved;
- Collections in the Museum's custody are accounted for and documented;
- Access to the collections and related information is permitted and controlled;
- Acquisition, deaccessioning, and loan activities conform to the Museum's mission and public trust responsibilities;
- Deaccessioning of collections through gift, exchange, or sale (public auction) is solely for the advancement of the Museum's mission, and use of the proceeds from the sale of collections is restricted to the acquisition of collections;
- The unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections; and
- Collections-related activities promote the public good rather than individual financial gain.

## **Programs**

The Museum works to advance the understanding and appreciation of its collection through exhibitions, research, scholarship, publications, interpretation, and educational activities. These programs further the Museum's mission and are responsive to the concerns, interests, and needs of the people of Maine, while not compromising the requirement to preserve the collections as a public trust.

Thus, the Museum ensures that:

- Programs support the mission and public trust responsibilities;
- Programs are founded on scholarship and marked by intellectual integrity;
- Programs are accessible and encourage participation of the widest possible audience consistent with its mission and resources;
- Programs respect a diversity in values, traditions, and concerns;
- Revenue-producing activities, and activities that involve relationships with external entities, are compatible with the Museum's mission and support its public trust responsibilities; and
- Programs promote the public good rather than individual gain.

### Audience Diversity and the Museum Store

The Museum store enjoys a unique opportunity to serve a diverse clientele. For that reason, the store is obligated to offer items in various price ranges that are educational, safe and of the highest quality.

### Endangered Cultural and Natural Heritage

The sale of any object or merchandise that is manufactured from or incorporates parts of any endangered species is a grievous offense against the moral principles upon which museums are established. Sale of illicitly acquired antiquities is offensive to the affected cultures and destructive to archaeological sites, and may not take place.

## **The Friends of the Maine State Museum, Inc.**

The Friends of the Maine State Museum is a fully independent (501)(c)(3) corporation specifically and solely established to provide support for the museum and its activities. This is achieved through the development and implementation of educational programs, fundraising initiatives, special events, publications, the museum partnership program, promotional undertakings, solicitation of artifacts and other real property, sales, and the acquisition and management of funds to the benefit of the museum.

In the pursuit of these activities, the Friends of the Maine State Museum board members, staff, and volunteers represent, and are seen to represent, the museum, its mission and its interests. Accordingly, the Friends board members, staff, and volunteers are committed to professional conduct and ethical integrity in these undertakings.

The Friends of the Maine State Museum board members, staff, and volunteers endorse the provisions of this document and adopt them where applicable.

## **Contractors**

Conservators, guest curators, research assistants, and other independent contractors will also adopt the appropriate employee provisions of this document, if reference is made to it in their contracts.

## **Implementation**

This Code of Ethics for the Maine State Museum was adopted by the Maine State Museum Commission to clearly articulate the ethics by which Commission and Friends board members, employees, contractors, and volunteers of the Museum will conduct themselves. The Museum's policies provide specific guidance in many instances. In subscribing to this code, the Museum assumes responsibility for the

*Approved by Maine State Museum Commission  
November 15, 2004*

actions of members of the Commission, Friends board, employees, and volunteers in the performance of their Museum-related duties. The Museum hereby affirms its mission, ensures the prudent application of its resources, enhances its effectiveness, and maintains public confidence.

Amended and adopted by the Maine State Museum Commission at its regular meeting on November 15, 2004.

---

Shirlene H. Gosline, Commission Chairman



October 18, 2007

To: Members of the Joint Standing Committee on Education and Cultural Affairs

Ref: Maine State Museum Program Evaluation Report, Government Evaluation Act

Dear Senator Bowman, Representative Norton and members of the committee,

As Mainers, we recognize and take pride in a cultural identity that is distinct from our neighbors. Contributing in a very real way to this sense of heritage is the Maine State Museum, the oldest, most comprehensive and best state museum in New England. It is a resource in which we can all take pride.

This is the clear consensus of a recent survey of our 1400 members from every corner of the state and beyond - individuals who contribute financial support every year to the advancement of the museum. The same survey showed that over 90% of these members are also actively involved with other cultural organizations throughout Maine.

The reasons the Friends value the museum, and choose to generate over 20% of the museum's annual funding, include:

- Its commitment to quality and performance is nationally recognized by the American Association of Museums through a rigorous accreditation process.
- It presents important exhibits in an engaging and educational manner, thus providing greater appreciation of our heritage and cultural identity.
- Two such upcoming exhibits, both endorsed by the National Endowment for the Humanities and for which the Friends have been party to securing \$1.25 M, are *At Home in Maine*, which looks at all facets of domestic life for the last 350 years, and *Uncommon Threads*, which explores the development of Native American textiles, costume and clothing in Maine up to the present day.
- The museum hosts over half of the state's Grade 4 school students each year.
- It is a leading participant in the Creative Economy, the New Century Community Program and a strong mentor of other museums and historical societies throughout Maine.

#### Emerging Issues and Goals

- State support for the advancement of the museum and its goals is truly a key element in ensuring that private sector and federal support is maintained and enhanced. Individuals and funding organizations judge the state museum and measure their support by the commitment demonstrated by the state through its core funding.

- We fully endorse the museum's goals and initiatives to increase visitation and accessibility.
- Accordingly, the Friends question the rationale of a state educational resource charging admission fees.
- If admission is to be charged, then we strongly recommend that these funds be re-assigned to establish a promotional budget for the museum, thus ensuring that Maine's people know about the museum and the availability of its first rate programming.
- Equally important is the museum's goal of upgrading its internet programs to provide greatly enhanced access to its exhibits, collections and educational offerings for those who cannot readily visit Augusta as well as for children in a classroom setting.

We receive numerous unsolicited letters of commendation throughout the year that underscore that the museum is both highly valued and genuinely effective. We provide a quote from one such letter:

*The Maine State Museum is a gem ..... We are glad we have folks like you leading the way to the future, while keeping the past available to all of us. Keep up the great work.*

May 15, 2007

Peter G. Thompson  
President and CEO  
Kennebec Valley Chamber of Commerce

In summary, the Friends organization and its members re-affirm their support and commitment to the museum, its future plans, sense of innovation and the educational values it represents. We respectfully encourage the state to do likewise.

Thank you for your consideration.

Sincerely,



Linda Frinsko  
Board President  
Friends of the Maine State Museum