

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. [PL 1965, c. 502, §1 (NEW).]

The Legislature further declares its expectation that the Maine State Museum will follow professional museum, scientific and artifact conservation standards to assemble and protect its tangible collections and intellectual assets held in public trust. [PL 2011, c. 152, §1 (NEW).]

A general diffusion of the advantages of education being essential to promoting the common welfare, the Legislature recognizes these tangible collections and intellectual assets as educational resources essential to the Maine State Museum's mission and public trust responsibilities. [PL 2011, c. 152, §1 (NEW).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 2011, c. 152, §1 (AMD).

§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. Members are limited to 2 consecutive 5-year terms that expire on August 22nd. Each member serves 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. If a vacancy occurs before the member's term expires, 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. [PL 2007, c. 100, §1 (AMD).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1983, c. 812, §167 (AMD). PL 1989, c. 503, §B113 (AMD). PL 1989, c. 700, §B18 (AMD). PL 1999, c. 706, §4 (AMD). PL 1999, c. 706, §9 (AFF). PL 2007, c. 100, §1 (AMD).

§83. Powers and duties of Maine State Museum Commission

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

1. Administration. To administer this chapter. In administering its provisions, the commission may formulate policies and exercise general supervision; [PL 1989, c. 700, Pt. B, §19 (AMD).]

2. Prescribe duties of Museum Director. To prescribe the duties of the Museum Director; [PL 1989, c. 700, Pt. B, §19 (AMD).]

3. Delegate powers. To delegate powers to the Museum Director necessary for the administration of this chapter;
[PL 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;
[PL 2007, c. 560, §2 (AMD).]

5. Establish fees. To establish fees for admission to the Maine State Museum and miscellaneous services. All revenues derived from these fees must be credited as undedicated revenue to the General Fund through June 30, 2014. Beginning July 1, 2014, all revenues derived from these fees must be credited as dedicated revenue to the Maine State Museum - Operating Fund, Other Special Revenue Funds account to be used to support the operations of the Maine State Museum. Notwithstanding this subsection, the commission shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free admission pass to the Maine State Museum to each veteran who is determined by the Department of Defense, Veterans and Emergency Management to meet the criteria established in Title 37-B, section 8-A; and
[PL 2017, c. 370, §1 (AMD).]

6. Designate a private support organization. To designate a nonprofit organization as the private support organization for the Maine State Museum. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the Maine State Museum and the museum's programs.

The commission shall delegate authority to the Museum Director to permit, without charge and within the museum's financial means, the appropriate use of fixed property, equipment and facilities of the museum by the private support organization. Such use must be directly in keeping with the approved purposes of the private support organization and must comply with all appropriate state policies and procedures.

The commission's chair, or the chair's designee, and the Museum Director, or the director's designee, must be made nonvoting ex officio members of the private support organization's board of directors. Other members of the commission may serve in a nonvoting capacity on the board of the private support organization if such service is agreed to by the commission and private support organization's board of directors.

Subject to the approval of the commission, the Museum Director shall negotiate an annual memorandum of understanding between the museum and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

[PL 2007, c. 560, §4 (NEW).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1989, c. 700, §B19 (AMD). PL 1991, c. 622, §§V2,3 (AMD). PL 2003, c. 20, §P1 (AMD). PL 2007, c. 560, §§2-4 (AMD). PL 2013, c. 595, Pt. M, §1 (AMD). PL 2017, c. 370, §1 (AMD).

§84. Museum Director

(REPEALED)

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1971, c. 610, §15 (RP).

§84-A. Museum director; appointment

The Director of the Maine State Museum Commission must be qualified by training or by experience in museum work and is appointed by the Maine State Museum Commission. The director

shall serve at the pleasure of the Maine State Museum Commission. The Maine State Museum Commission shall fix compensation for the director within salary range 88. [PL 2021, c. 496, §1 (AMD).]

SECTION HISTORY

PL 1989, c. 700, §B20 (NEW). PL 1991, c. 528, §E30 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E30 (AMD). PL 2021, c. 496, §1 (AMD).

§85. Powers and duties of Museum Director

(REPEALED)

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1971, c. 610, §16 (AMD). PL 1981, c. 8 (AMD). PL 1985, c. 785, §B124 (AMD). PL 1987, c. 465, §1 (RP).

§85-A. Powers and duties of Museum Director

The Museum Director shall have the powers and duties established under the following provisions governing the administration and operation of the Maine State Museum activities: [PL 1987, c. 465, §2 (NEW).]

1. Duties prescribed. To perform the duties which are prescribed for him by the commission; [PL 1987, c. 465, §2 (NEW).]

2. Administration. To administer the office of Museum Director. In exercising the director's administration, the Museum Director shall promulgate operating policies, establish organizational and operational procedures and exercise supervision of museum activities. The Museum Director shall employ, subject to the Civil Service Law and the approval of the Maine State Museum Commission, such assistants as may be necessary to carry out the purposes of this chapter. The Museum Director shall adopt a seal for use in the official business of the museum. The director, with the approval of the commission, may initiate a membership program to benefit the museum; [PL 1991, c. 780, Pt. M, §1 (AMD).]

3. Rules. To promulgate such rules as necessary to effectuate the purposes of this chapter. No unreasonable restrictions or limitations shall be imposed on the use of museum records or objects that are defined by law as records or objects open to public inspection. With the exception of matters concerning collections security and preservation, decisions made by the director concerning access, use and reproduction of museum collections may be appealed to the commission within 30 days for final determination by the commission; [PL 1987, c. 465, §2 (NEW).]

4. Solicitation and acceptance of gifts, grants, donations, bequests, endowments and membership fees. To solicit and 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; [PL 2011, c. 151, §1 (AMD).]

5. Biennial report. [PL 1989, c. 700, Pt. B, §22 (RP).]

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

[PL 1987, c. 465, §2 (NEW).]

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

[PL 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;

[PL 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;

[PL 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;

[PL 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.

[PL 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.

[PL 1987, c. 465, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 465, §2 (NEW). PL 1989, c. 700, §§B21,22 (AMD). PL 1991, c. 780, §§M1,2 (AMD). PL 1999, c. 452, §1 (AMD). PL 2011, c. 151, §1 (AMD).

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

1. Acquisition. The Maine State Museum is authorized to solicit and accept donations of property for the sole use of the museum as long as 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.

[PL 2011, c. 151, §2 (AMD).]

2. Ownership. The museum shall hold its collections and property for the State and shall not sell, mortgage, transfer or dispose of in any manner, except as provided under this section or other authority of law.

[PL 1985, c. 763, Pt. A, §77 (AMD).]

3. Disposition. Notwithstanding any contrary provisions of law, the museum may sell or exchange any duplicates or other property determined to be unnecessary which the museum may have or obtain, and may transfer to other institutions of the State property not deemed applicable or necessary for the purposes of the museum. Funds generated by the disposition of artifacts shall be deposited into a revolving fund to be used exclusively for the increase and care of museum collections, including the purchase of other artifacts, specimens or works of art, or the conservation and preservation of state collections. Disposition of property may be through return of property to the original donor, as deemed appropriate by the Maine State Museum Commission.

[PL 1985, c. 763, Pt. A, §77 (AMD).]

4. Property of existing museum to be transferred.

[PL 1973, c. 625, §173 (RP).]

5. Size and storage of collections. The Maine State Museum shall endeavor to continually upgrade the scope and quality of the collections. New acquisitions are to be sought to fulfill this objective. In order to refine existing holdings the museum shall also maintain an on-going program of artifact disposition permitting the improvement of collections within a finite storage space available for them.

[PL 1985, c. 763, Pt. A, §77 (NEW).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1973, c. 625, §173 (AMD). PL 1985, c. 763, §A77 (AMD). PL 2011, c. 151, §2 (AMD).

§86-A. Historical materials

The Maine State Museum holds title, as trustee for the State, to all historical materials, other than documents or other library or archival items under the administrative jurisdiction of the Maine State Library or the Maine State Archives, that are or may become the property of the State and are or may be housed in the public buildings of the State. These historical materials include the banners and flags presently housed in the State House Hall of Flags and may include, but are not restricted to, paintings, sculptures and other works of art dealing with historic subjects or executed by historically significant artists; flags, banners, insignia, medals, firearms, edged weapons, uniforms and other accoutrements relating to Maine military personnel or units; furnishings, utensils, implements, tools, machinery and other devices having particular historical significance to the State. The State Capitol Building is in the jurisdiction of the State House and Capitol Park Commission. [PL 1993, c. 361, Pt. A, §3 (AMD).]

Historical materials as described herein which are directly connected with areas under the jurisdiction of the State Park and Recreation Commission shall be exempt from this section. [PL 1971, c. 401, §1 (NEW).]

The State Museum shall protect, preserve and interpret such materials which may be placed under its trusteeship in accordance with this chapter. [PL 1971, c. 401, §1 (NEW).]

SECTION HISTORY

PL 1971, c. 401, §1 (NEW). PL 1987, c. 816, §EE6 (AMD). PL 1993, c. 361, §A3 (AMD).

§86-B. Confidentiality of certain research and personal information

1. Draft research and materials. Museum draft research, publications and exhibit materials, including scientific, archaeological and historical findings, are confidential and not public records for the purposes of Title 1, chapter 13, subchapter 1 until complete and presented to the public. The Museum Director may authorize disclosure before publication or presentation to the public.

[PL 2013, c. 205, §1 (NEW).]

2. Personal history research and materials. Personal information contained in any record about the individual that is obtained by the Maine State Museum in the course of a historical research project is confidential and not a public record for the purposes of Title 1, chapter 13, subchapter 1 until:

A. The individual authorizes the release of the personal information as a public record; or [PL 2013, c. 205, §1 (NEW).]

B. The death of the individual, except that the Museum Director may, at the request of the individual, designate in writing that personal information about the individual remain confidential for a specified period, not to exceed 25 years after the death of the individual, to protect the privacy

of the individual or the privacy of the parent or child of the individual. [PL 2013, c. 205, §1 (NEW).]

[PL 2013, c. 205, §1 (NEW).]

For the purposes of this section, "personal information" means any information about an individual's personal history, including, but not limited to, medical, psychiatric, employment, counseling and other information of a personal or private nature. [PL 2013, c. 205, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 205, §1 (NEW).

§87. Assistance from other state agencies

The heads of the various state departments, agencies and institutions are authorized to consult with the Maine State Museum upon request concerning any aspect of museum operations. The Maine Arts Commission shall furnish the Maine State Museum Commission with such assistance as necessary to administer section 86-A. [PL 1985, c. 763, Pt. A, §78 (AMD).]

SECTION HISTORY

PL 1965, c. 502, §1 (NEW). PL 1971, c. 485, §1 (AMD). PL 1985, c. 763, §A78 (AMD).

§88. Federal funds

The museum through its commission and director may be an official agency of the State to receive and disburse any funds made available by the Federal Government for programs related to the purposes of the museum. [PL 1971, c. 544, §84 (NEW).]

SECTION HISTORY

PL 1971, c. 544, §84 (NEW).

§89. Publication fund

(REPEALED)

SECTION HISTORY

PL 1971, c. 544, §84 (NEW). PL 1987, c. 465, §3 (AMD). PL 1991, c. 780, §M3 (AMD). PL 2005, c. 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. [PL 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.

[PL 2005, c. 386, Pt. M, §2 (NEW).]

SECTION HISTORY

PL 2005, c. 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.

[PL 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.

[PL 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.

[PL 1975, c. 746, §25 (NEW).]

SECTION HISTORY

PL 1975, c. 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.

[PL 1987, c. 465, §4 (NEW).]

2. Fees; royalties. Income received from those arrangements, including the sale of reproductions directly or indirectly through vendor arrangements, shall be credited to the General Fund.

[PL 1987, c. 465, §4 (NEW).]

SECTION HISTORY

PL 1987, c. 465, §4 (NEW).

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. [PL 1979, c. 526, §2 (NEW).]

1. Commission. "Commission" means the Maine State Museum Commission.

[PL 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. [PL 1979, c. 526, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 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: [PL 1979, c. 526, §2 (NEW).]

1. Decedent directs. If the decedent has so directed by a will; or [PL 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.

[PL 1979, c. 526, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 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; [PL 1979, c. 526, §2 (NEW).]

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

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

D. Aids in establishment of important state collections of works of art. [PL 1979, c. 526, §2 (NEW).]

[PL 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 for his approval. If the State Tax Assessor rejects this new valuation within 45 days of its submission, the State shall be deemed not to accept the proposed method of payment in works of art.

[PL 1979, c. 526, §2 (NEW).]

3. Acceptance. If the State Tax Assessor does not object to a submitted valuation of a work of art within 45 days of its submission, the State shall be deemed to have accepted the work of art as complete or partial payment of the estate or inheritance tax owed, and the commission shall assume title to that work of art as soon as practicable.

[PL 1979, c. 526, §2 (NEW).]

4. Credit against tax. Upon the assumption of title to a work of art by the commission, the State Tax Assessor shall credit, against the amount owed by the estate, the valuation of that work of art as agreed upon under subsection 2. In no case shall any credit allowed by this subsection be greater than the amount of estate or inheritance tax owed by the decedent's estate.

[PL 1979, c. 526, §2 (NEW).]

5. Limitation on aggregate value of works of art accepted during one fiscal year. The commission shall not, during any fiscal year, assume title to works of art which have an aggregate value of more than \$100,000, unless:

A. The State Budget Officer, on application from the commission and in extraordinary circumstances, permits the commission to exceed that limit; or [PL 1979, c. 526, §2 (NEW).]

B. The commission transfers into the General Fund, not later than the end of the next fiscal year, revenue equalling or exceeding the amount by which the commission has exceeded that limit. [PL 1979, c. 526, §2 (NEW).]

[PL 1979, c. 526, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 526, §2 (NEW). PL 1985, c. 763, §A79 (AMD).

SUBCHAPTER 3

CONSERVATION AND PRESERVATION

§94. Definitions

(REALLOCATED TO TITLE 27, SECTION 71)

SECTION HISTORY

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

§95. Annual appropriation

(REALLOCATED TO TITLE 27, SECTION 72)

SECTION HISTORY

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

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