# 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:

a. Whether there is a potential for deterioration, mutilation, loss or dislocation of Museum collection items;

b. Whether access and required supervision would interfere with the administrative, professional, or technical operations of the Museum;

c. Whether access would result in undue interference with services to other Museum users; and

d. Whether the extension of a privilege of access would extend a unique benefit to an individual which is not available to the public at large or to other persons in a similar classification.

B. Limitations on Access

1. Access to collections, insofar as possible, will take place outside storage areas. When necessary, access in the storage areas may be granted, but to no more than two individuals at one time. Staff supervision is required by the member of the staff having responsibility for the collections to which access is requested, or as may be designated by the Director.

2. Members of the general public will not be granted unsupervised access to collections without the written approval of the Director. In general, the Director will only approve such unsupervised access In the case of volunteers or project staff persons, upon recommendation of the relevant staff member.

3. Access privileges may be limited by the availability of Museum staff to provide adequate supervision.

4. Consistent with the Museum's responsibility for preservation and safeguarding of the collections, the Director may deny access to collections which are likely to suffer damage from movement, handling, or other circumstances related to public examination.

5. The use of specific types of measuring devices (such as padded calipers, fabric measuring tapes, etc.) may be required, as well as other necessary means of protecting the items.

6. No three-dimensional mold forming techniques may be used in collecting information from items in the collection, except as may be specifically authorized by the Director.

7. The Director may deny access to items In the collection if such access would violate the terms of a restricted gift or loan, applicable rights-of-privacy laws, a specific agreement between the Maine State Museum Commission and a third party, or the terms of this rule.

8. No exclusive rights of access will be given. Access granted to an individual does not abridge the rights of others to similar access for the same or different purposes.

9. The ultimate responsibility for investigation of copyright or other legal limitations on use of Museum collections rests with the applicant.

10. To assist a future researcher, and reduce the need to rehandle artifacts, the Museum Director may require that the applicant provide copies of measurements, drawings, or other relevant materials or a copy of any material written and/or published as a result of access to Museum collections. Such data would be a part of the collections records and governed by the provisions of this rule.

11. Access to Maine State Museum collections does not imply any agreement between the researcher and the Maine State Museum. Staff efforts to facilitate access to Museum collections do not constitute approval of any work objectives, agreement with any research conclusions, acceptance of the accuracy or quality of the researcher's work, or any abridgment of access rights of others to the same materials.

12. The creation and sale of reproductions of Museum collections shall be governed by the provisions of Chapter 502 of the rules of the Museum.

13. Volunteers and students associated either directly or peripherally with the Museum wishing access to the Museum collections for personal purposes must comply with all requirements of this rule. Access way be arranged to take place at times not concurrent with their volunteer or student duties at the Maine State Museum.

C. Archaeological Artifacts and Related Data

Access to archaeological artifacts, sites and related data will be covered by this rule and by 27 M.R.S.A. §377 and rules issued pursuant to its authority. In the event of a conflict, the provisions of 27 M.R.S.A. Sec. §377 and the joint rule of the Museum and the Maine Historic Preservation Commission shall govern.

D. Procedures

1. Requests for access to collections items for research or other purposes must be submitted to the Director or his designee by means of a form designated by the Director.

2. Requests must be specific in nature as to collections needed, the nature of information sought. and the intended use or purpose.

4. PHOTOGRAPHY OF MUSEUM COLLECTIONS

A. Public Photography of Museum Exhibits

1. Photography in Museum exhibit galleries for personal use is generally permitted during normal hours of public visitation, unless otherwise posted.

2. Photography of the exhibitions may be supervised, limited, controlled or denied by the Director, or his designee, if such activities would:

a. Pose a danger or inconvenience to Museum visitors;

b. Endanger the building or the collections;

c. Violate the terms of a restricted gift or loan or any other specific agreement between the Museum and a third party; or

d. Of itself constitute an illegal act.

e. Result in photographs being used for a commercial purpose without proper approval.

3. Persons applying to engage in photography of Museum collections may be required to enter into an agreement which shall specify, as determined necessary and appropriate by the Director, any or all of the following:

a. Indemnify the Museum against any loss, claim or suit resulting from the photographic activity;

b. Comply with all instructions given by Museum staff to ensure protection of the collections and to minimize disruption to Museum activities;

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.

6. Purchase from the Museum of any copyrighted photographs will not convey to the purchaser any rights of copyright.

5. PUBLICATION OF MUSEUM PHOTOGRAPHS

A. Photographs for Educational Purposes

1. Publication of photographs taken of Museum collections is permitted for educational purposes, upon approval of the Director. Educational purposes shall mean the use of photographs in non-fiction books, magazines and periodicals, documentaries, public television, and news and public affairs/service programs.

2. Persons or firms wishing to publish photographs of Museum collections, taken either by Museum staff or by themselves, shall enter into an agreement with the Director, acting on behalf of the Museum. The agreement shall include, as deemed appropriate by the Director and legal counsel, the following provisions:

a. Indemnify the Museum and the State against any loss, claim or suit resulting from publication of the photograph(s);

b. Comply with all instructions or conditions concerning the name and identification of the Museum and/or any staff member, such as inclusion or exclusion of captions or credit lines, or specific credit or disclaimers of connection with the Museum;

c. 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. Photographs for Other Purposes

1. The use of photographs of Museum collections which may be specifically or uniquely associated with the Maine State Museum for advertising or promotional purposes is not generally permitted.

2. Exceptions to this prohibition may be made at the discretion of the Director in instances involving the interests of the State of Maine and in the State's support of educational or non-profit activities.

The Director may also approve the use of photographs or graphic reproductions of "generic" objects in the collections. Such items are deemed to be items that are not explicitly associated with the Museum collections or could not be recognized as part of the Museum collections.

6. ACCESS TO MUSEUM RECORDS

A. Public Records: General Principle

Records pertaining to the Museum collection which are public records within the meaning of the Freedom of Access law (1 M.R.S.A. §401 et. seq.) shall be made available for public inspection and copying upon request as required by law. Fees for copying shall be set by the Director, unless otherwise determined by law, executive order or applicable rule.

The Director or the Registrar shall respond in a timely manner to any request for inspection and/or copying of public records held by the Museum.

B. Historical Records

1. Historical records of the Museum not currently on exhibit may be inspected by scholars, students or members of the public upon permission by the Director or his designee. Access to such records will not be unreasonably denied. Any decision regarding access to such records will be consistent with the Museum's responsibility for safeguarding its collections and shall take into consideration the following:

a. The possibility of deterioration, mutilation, loss, or dislocation of research data and records;

b. Interference with administrative, professional, and technical operations and duties of the Museum; and

c. Undue interference with the Museum's ability to furnish services to other users of the Museum.

2. The Director may deny access to historical records which are likely to suffer damage or dislocation resulting from public inspection.

C. Archeological Records

Access to records relating to archeological artifacts, sites and related data will be governed by the provisions of this rule and 27 M.R.S.A. § 377 and rules issued pursuant to its authority. In the event of a conflict, the provisions of 27 M.R.S.A. §377 and the joint rule of the Museum and the Maine Historic Preservation Commission shall govern.

D. Procedures

1. Request for access to public, historical or archeological records held by the Museum must be submitted to the Director or the Registrar on a form designated by him. Requests must be specifically descriptive of the records sought or the information requested that Museum staff can identify and meet the request.

2. Inspection of records held by the Museum will, insofar as possible, take place outside the collections storage or record-filing areas. No records may be inspected without staff supervision, unless there is prior written approval of the Director. In general, the Director will permit unsupervised access to public records only In the case of Museum volunteers or project staff persons, upon recommendation of the relevant staff.

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

EFFECTIVE DATE:

March 18, 1983

AMENDED:

June 28, 1987

EFFECTIVE DATE (ELECTRONIC CONVERSION):

March 19, 1997

NON-SUBSTANTIVE CHANGES:

January 28, 1999 - converted to Microsoft Word.

March 23, 1999 - minor capitalizations.

APAO WORD VERSION CONVERSION (IF NEEDED) AND ACCESSIBILITY CHECK: July 17, 2025