

KENNEBUNK FREE LIBRARY  
SPECIAL COLLECTIONS MANAGEMENT POLICY

### **SCOPE OF THE COLLECTION**

The Kennebunk Free Library's Special Collections (KFLSC) will acquire or accept only items from within or pertaining to the culture or history of the Kennebunk Free Library, the town of Kennebunk, and/or the surrounding towns of Kennebunkport, Arundel, and Wells. The Executive Director or appointed staff may accept or decline items which fall outside of this scope.

The Kennebunk Free Library's Special Collections is comprised of the following units:

- Photograph collections (includes the general collection and the Ken Joy photograph Collection).
- Manuscript collections
- Book collections
- Art & artifacts
- Newspaper collections (both print and microfilm)

### **MATERIALS WITHIN THE COLLECTION**

KFLSC is comprised of the following collection units:

- Published materials, such as books and pamphlets
- Manuscripts and ephemera
- Images, such as photographs and postcards
- Maps and oversized printed materials
- Artifacts and objects
- Digital versions of collections/artifacts

### **USERS OF THE COLLECTION**

- Residents of Kennebunk, Kennebunkport, Arundel and Community stakeholders (business owners, students)
- Kennebunk Free Library staff and patrons
- Researchers (student, amateur, professional) of history, genealogy, or Kennebunk area institutions, organizations or people.

### **COOPERATION WITH OTHER REPOSITORIES**

KFLSC does not seek to compete with other repositories and will avoid conflict and duplication of effort. When advising potential donors and depositors, the Executive Director or authorized staff may indicate other repositories with similar or overlapping interests to ensure that materials are offered to the most appropriate institution.

### **PROCESS OF COLLECTING**

**General.** Donations to the KFLSC are the only method of acquisition currently employed by the Library. The Executive Director reserves the right to consider items for purchase or deposit on loan at such time that the Library has the facilities and budget to do so.

**Conditions associated with accession.** No materials will be accepted without clear and valid proof of ownership. Donors will be required to sign a Deed of Gift as proof of legal transfer of ownership and a copyright (where applicable) to the Library. It is a condition of acceptance that the materials will be available for public access either immediately or at a specified time.

**Unsolicited and/or anonymous gifts.** Unsolicited and/or anonymous gifts that do not meet the scope or donation criteria of the KFLSC will be returned to donors (if possible); offered to other libraries, archives or appropriate cultural institution; discarded or sold.

**Exchange programs.** KFLSC does not engage in exchange programs. The Executive Director reserves the right to consider items for exchange if it benefits the organization and community to do so.

**Retention policy.** KFLSC strives to provide long-term preservation and permanent retention. However there may be times when materials may be selected for removal from the collection. The authority to dispose of Library material is vested in the Executive Director and appointed staff as part of their responsibility of the development and maintenance functions of the Library.

The method of de-accessioning materials from the KFLSC is based on the principles of responsible and effective collection management that relates directly to:

- Alignment of the collection policy to the Library's strategic directions;
- Alignment of the materials held to the approved collecting policy;
- Continuing appropriateness of the collection content;
- Overhead costs of retention;
- Asset management; and
- Condition of material and ability to preserve condition based on available facilities and preservation costs.
- Disposal of materials will be made upon the advice of archival consultants when appropriate.

**Weeding.** Weeded individual materials from the KFLSC are disposed of based on the above principles. The preferred option for physical disposal is to give weeded material to a Library, archives, or other appropriate cultural institution that can make good use of it. Should offers to outside organizations be declined, weeded items may be discarded or sold.

**Disposal of a collection unit or the entire KFLSC.** Following a reconsideration of its strategic directions, it may be recommended that the Library no longer build and service any individual collection unit or the entire KFLSC, and that the most appropriate step is to dispose of the unit or collection in its entirety. In such a case the Library will undertake:

- To consult with Maine libraries, archives, and other cultural institutions or interested parties to determine the level of acceptance of such a decision;
- To inform the members of the Library of its proposed intention and the response from the consultation phase; and
- To call for expressions of interest from publicly accessible libraries, archives and other cultural institutions or non-profit organizations to take over a unit or the entire KFLSC, with the stipulation that they continue to make the collection available to the citizens of Kennebunk over the term of its useful life.
- If no institution expresses an interest in taking over the de-accession, the Library will disperse the collection by sale or otherwise dispose of it.

**Damaged items.** Severely damaged or compromised materials will be removed on account of their physical condition and potential damaging effects on the remaining collection. They will no longer be considered valid for inclusion in the KFLSC and will be removed irrespective of conditions applying to

weeded items. They may be replaced (or copied by facsimile, microfilm or other means) depending on the availability and importance to the collection.

## **ACCESS**

**Original medium.** Access to material in the KFLSC in the original medium is contingent upon the condition of individual material and staff availability. Certain materials in the original medium will be designated as too fragile to be accessed by the public. Reference copies will be available of these materials when possible.

**Public access.** Public access to the KFLSC will be during the regular operating hours of the Library. Users will be required to complete and agree to the instructions on a Material Handling form before use.

**Digital medium.** As resources allow, the Library may make efforts to make materials in the collection available digitally through the Library's website (<http://www.kennebunklibrary.org>), the OPAC (<http://minerva.maine.edu/>), or additional state/public resources such as, but not limited to the Digital Maine Repository or the Maine Memory Network.

These images may also be shared with other Maine not-for-profit historical and educational institutions. The Library may devote financial, technical, and staff resources to provide increasing electronic access to KFLSC over time as copyright law permits.

**Finding aids.** Finding aids will be developed for the KFLSC collections. These will be available in hard copy in the Russell Room and will be accessible through the OPAC.

## **SECURITY**

The Library currently does not have a separate Reading Room in which to access and use the Special Collections materials, nor can it supply a dedicated staff person to carefully oversee use of these materials. To mitigate this deficiency staff will require patrons to use materials at one of the work tables in the Reading Room.

To prevent or diminish damage to the KFLSC the following standard rules for researchers, volunteers and staff apply when accessing the collection in the original medium:

- Wash and thoroughly dry hands prior to handling material.
- No food or drink may be consumed in the immediate vicinity of archival material.
- Only pencil and paper or laptop computers may be used for note-taking. No pens are permitted.
- Use care in handling all archival material. Documents are fragile and must be handled delicately.
- Preserve the arrangement of all documents and folders. Use one box at a time and one folder at a time.
- No Post-its or sticky notes may be used to bookmark material. Scrap paper may be used as place holders, but all must be removed before returning the material to the Circulation Desk.

## **LOAN POLICY**

No loans of materials in the KFLSC will be allowed without the express written consent of the Executive Director, in which case a written chain of custody must be maintained. In the event that an organization or patron wishes to create a copy, the work will be carried out and delivered by Kennebunk Free Library staff only.

## **COPYRIGHT**

The images of the KFLSC are supplied for personal, research, not-for-profit educational, and commercial use. Any use which violates U.S. copyright law is prohibited. Permission to reproduce these for commercial or publishing use must be obtained from the Executive Director in writing.

The Kennebunk Free Library may not hold the copyright to all materials in its archival collections. Responsibility regarding questions of copyright, photographic releases, and invasion of privacy that may arise from such use is assumed by the user. Reproduction of these protected items, beyond that of fair use, requires the license of the copyright owner(s). Copyright of those images may be difficult or impossible to determine; nevertheless, determinations of appropriate use are the responsibility of the user. Kennebunk Free Library assumes no responsibility in determining the copyright status of any particular image.

The right to use images from the KFLSC for purposes other than viewing is granted to individuals, not-for-profit educational institutions, and commercial enterprises under the following conditions:

- Proper citation must be used
- There will be no misrepresentation of the image(s) so as to falsify the information presented or any distortion of the work in any manner that would harm the creator or the Library;
- The user assumes responsibility for all questions concerning copyright violation, violations of privacy law, slander, and/or libel resulting from the use of the image(s);
- No further copies shall be made except those made from the master as part of the product to be distributed and sold in any additional print run; and
- The publisher shall be responsible for ensuring that any third-party distributor of the product is bound by the terms of this document.

## **REPRODUCING IMAGES FOR PUBLICATION OR EXHIBIT**

**General.** Kennebunk Free Library insists upon the legal reproduction of items from the KFLSC, and requires certain conditions to be observed. Permission of the Library as proprietor of the images will be obtained, and reproduction and use fees will apply for commercial uses. Permission is normally granted provided that acknowledgement is made as specified and the appropriate fee is paid. Permission for Photographic Reproduction for Commercial Use forms are available at the Library.

**Conditions of use for reproduction or display.** These conditions apply to all reproductions for publication or display of photographs in the KFLSC owned or archived by Kennebunk Free Library.

- The Library will supply copies for research or study purposes only. These may be in the form of photocopies or computer printouts. Selected digital images may become available as the Library progresses with digitization efforts. The Library will provide "use copies" for those items in the KFLSC that are designated too fragile for public access to the image in the original medium.
- Members of the public may not photograph or scan items in the collection or reproduce a photographic image directly from a publication, except in certain cases for educational research purposes. In these limited cases, permission must be given by the Executive Director to do so. No one may re-copy a negative image or digital image supplied by the Library on disk, CD, flash drive, or other storage medium.
- Reproduction-quality copies, together with express permission, must be obtained if copies are required for commercial publication or display. To assure that the quality is satisfactory, the Library may supply prints, negative copies, or digital images as dictated by patron need.

**Authorization for use.**

Permission of the Library is needed before copies of items from the KFLSC may be reproduced or displayed. Details of the proposed use must be given on the Permission for Photographic Reproduction Form.

- Use of an image is permitted as long as it meets the original purpose, as agreed, or if terms of use are renegotiated and agreed upon by the Library.
- KFLSC may include items held under special conditions that must be satisfied before the Library will supply copies. Users wanting to reproduce copies of originals owned by other institutions or individuals will need to obtain copies from the owner of the original material or obtain written permission from the owner for the Library to supply copies. For items still under copyright where the Library does not hold copyright, users will obtain a license from the copyright owner.
- The Library does not grant wider permissions such as world rights, perpetual rights, or exclusive rights. The Library reserves the right to refuse image requests.
- To reproduce an image on the Kennebunk Free Library website, Digital Maine Repository, Maine Memory Network, or any other website, the image must be ordered from the Library and permission obtained for its use.

**Acknowledgement.**

- Acknowledgement to the Library and a citation for each item must accompany any reproduction from the KFLSC. The Library will supply a caption for each image that will include citation details and more general information on the content of the image.
- The citation must give details of the actual item, including, where applicable, the photographer or artist, the title given by the creator, the name of the collection unit, and the Library reference numbers, such as the collection or negative number. The citation must include the words "Kennebunk Free Library, Kennebunk, Maine."
- The Library prefers acknowledgement to appear adjacent to the image. Where this is not possible, acknowledgement must appear in a manner that allows clear identification of the item. For television, films, videotapes & audio-visuals, acknowledgement in the credits is acceptable.

**Reproduction and use fees.**

- The Library requires payment of reproduction fees and use fees for commercial use.
- The Library charges fees for the commercial use of materials. They are not copyright fees. Any fee payable to a copyright holder other than the Library is in addition to the reproduction fee. Fees are calculated according to use: please see attached Photographic Reproduction for Commercial Use Invoice form.
- The use fee applies only to the purpose(s) described in the Image Request Form. Any further use of the image may incur an additional fee.

**Policy Updates**

This policy is a living document. It will be reviewed and updated in accordance with:

- Consultations with other individuals and institutions in archival fields;
- Developments in the electronically networked environment; and
- Refinements of the Library's strategic directions.
- The current version of the policy document will be available from Library staff upon request.

**WARNING CONCERNING COPYRIGHT RESTRICTIONS**

The copyright law of the United States (Title 17, U. S. Code) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish photocopies or other reproductions of copyrighted works. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or other reproduction for purposes in excess of "fair use," the user may be liable for copyright infringement. This Library reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of the copyright law.

The granting of permission to publish by the Library does not absolve users of materials from securing permission from copyright owners and payment of such additional fees as the owner may require if the Library does not own copyright or if the material is not in the public domain. Applicants assume all responsibility for questions of copyright and invasion of privacy that may arise in copying and in the use made of the photographic or other reproduction copy.



Kennebunk Free Library  
112 Main Street ♦ Kennebunk, Maine 04043 ♦ 207-985-2173 ♦  
Fax: 207-985-4730 ♦ www.kennebunklibrary.org

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### Kennebunk Free Library Photographic Reproduction for Commercial Use Purchase Agreement

Name \_\_\_\_\_  
Organization \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_  
Commercial Purpose \_\_\_\_\_  
Pub. title/subject (if incorporated into book, film, etc.) \_\_\_\_\_

It is agreed that photographic reproductions for commercial uses will be purchased under the following conditions:

1. Reproduction arrangements will be made with and approved by Library Director.
2. Fee for publishing or exhibiting material is outlined below; balance is required in full upon receipt of invoice.
3. Image source material (i.e. copy negative, slide, video, photograph, etc.) is the property of the Library and must be returned to the Library.
4. Material is to be used one time and only for the above stated purpose. Additional reproduction must be approved in writing by the Library Director. Special permission must be obtained in advance if any image is used for promotion of a project; permission will not be granted for images used as a symbol or logo. *For film productions:* permission is granted for usage in only one medium (e.g. motion picture, television, disks, etc.) and in one language. The word "film" denotes any media whose end product is moving, as opposed to still. Additional language translations, revised productions, and presentation in a different medium will be considered upon application. Exclusive rights are not granted. Permission is limited to the release of the film by the company named in this document, as appropriate. Special permission will be required if the stated company wishes to transfer permission to another company. In such cases, an additional fee may be charged.
5. Library reserves the right to limit the number of reproductions of Library-owned works in any single production, if it appears that their number is disproportionate in relation to those from other sources.
6. Material must be identified with credit captions provided by the Library as outlined below\* and must appear in all forms of reproduction. For film or video, credit caption must appear either within the film or at the conclusion.
7. Image must accurately reflect the original in the Library's collection. For this reason, no image may be digitally altered. The image must be reproduced in its entirety, although in film, details may also be shown thereafter. Nothing may be superimposed in the image without special permission; dissolves are acceptable.
8. The Library may not hold copyright to images in its collection. The user assumes all responsibility for any copyright infringement that may arise through the use of requested copies and agrees to hold harmless the Kennebunk Free Library from any action involving infringement of the rights of the copyright holder or his/her heirs or descendants. The user assumes responsibility for all questions concerning violations of privacy law, slander, and/or libel resulting from the use of the images.
9. The Library must receive two copies of the resulting publication, video, DVD, etc. without charge. In the instance of film or video, the Library must be notified in advance of a first screening. The Library assumes no responsibility for any royalties, rights or fees claimed by the artist or any third party.

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\*Title/Caption/Credit

Catalogue Number and/or Description

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

I agree to the conditions listed above \_\_\_\_\_  
(Patron's printed name and signature) (Date)

Approved by \_\_\_\_\_  
(Authorized Library official's signature and title) (Date)



Kennebunk Free Library  
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Fax: 207-985-4730 ♦ www.kennebunklibrary.org

## Photographic Reproduction for Commercial Use Invoice

Name \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_

Tax ID \_\_\_\_\_



Quantity	Item	Description	Unit Price	Total

Handling Fee \_\_\_\_\_

Licensing Fee \_\_\_\_\_

Production Fee \_\_\_\_\_

Shipping Cost \_\_\_\_\_

**TOTAL DUE** \_\_\_\_\_

PRICING		PAYMENT DUE UPON RECEIPT	
Production Fees:	COLOR COPY		\$ 2.00
	BLACK & WHITE COPY		\$ .50
HANDLING FEE (per file)			\$ 5.00
Usage Fees:	Commercial Use of SCANNED IMAGE		\$ 25.00
	Licensing Fee		\$20.00

For Office Use Only	
Order Date	
Completion Date	

I agree to the conditions listed above \_\_\_\_\_  
(Patron's printed name and signature) (Date)

Approved by \_\_\_\_\_  
(Authorized Library official's signature and title) (Date)

**Kennebunk Free Library**  
**Archival Material Handling Procedures**

Please read carefully and sign at the bottom to acknowledge your adherence to all points in this policy.

- **Wash and thoroughly dry hands** prior to handling material. This helps keep oils and particles from damaging the collections.
- No food or drink may be consumed in the immediate vicinity of archival material.
- Only pencil and paper or laptop computers may be used for note taking. **No pens are permitted.**
- Use care in handling all archival material. Documents are fragile and must be handled delicately.
- Preserve the arrangement of all documents and folders. Use one box at a time and one folder at a time. Ask library staff if you need assistance properly re-filing documents.
- No Post-its or sticky notes may be used to bookmark material. You may use scrap paper as bookmarks, but all must be removed before returning the material to the Circulation Desk.
- Copies must be made by library staff and will incur fees according to the KFL Special Collections copy policy.
- Please obtain permission from the Executive Director prior to photographing any material. See below for a copyright statement.
- All archival material is for library use only and must be returned to the Circulation Desk when you are finished with it or when the library closes.

\_\_\_\_\_  
Patron name (please print)

\_\_\_\_\_  
Patron contact information

\_\_\_\_\_  
Patron signature

\_\_\_\_\_  
Date

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STAFF USE ONLY

On check in, verify that:

Staff initials:

Folders are in numerical order	
No visible signs of new damage	
All scrap paper has been removed from folders/ box	

If the collection is in good condition to re-shelve, please shred this document. If damage has been spotted, please note its nature and give form to the Executive Director.