

# Ellsworth Public Library

## Material Lending Policy

### Introduction

The Ellsworth Public Library strives to create and maintain a collection in accordance with its Collection Development Policy and to make that collection readily accessible to the community. Library materials are purchased for the use of all members. In order to provide the best and most fair access for everyone, the Ellsworth Public Library Board of Trustees has established this policy for the loan of materials. It should also be noted that not all items in the Ellsworth Public Library Collections are available for loan outside of the library itself. (Refer to the General Collection Development Policy and Special Collections Development Policy.)

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## Library Cards and Membership

### Adult Cards

In order to be eligible to borrow materials, a person must be a member of the Ellsworth Public Library in good standing. To become a member, a person must show proof of identity as well as proof of residence in Ellsworth or in a Supporting Town in good standing. Supporting Towns are surrounding Hancock County towns that pay an agreed-upon annual fee to the Ellsworth Library. These towns are in good standing in FY21 if they paid the agreed-upon fee in FY21. In future years these towns are in good standing if they paid the agreed-upon fee in the previous fiscal year.

Acceptable documents for proof of identity and residence are listed below:

Identity – Photo ID	Physical Address	Mailing Address
Driver's license or state ID	Vehicle registration	Any item under Physical
Passport	Driver's license or state ID	Address
Alien Registration card	Printed checks/deposit	Any piece of mail
School ID	slips	cancelled within the last
Military ID	Utility bill	thirty (30) days
	Valid hunting or fishing	Pay stub
	license	Concealed gun permit
	Rent receipt	
	Lease or mortgage	
	agreement	
	Property tax bill	
	Proof of school enrollment	

Any resident or property owner of Ellsworth, student enrolled in an Ellsworth public school, or a Supporting Town in good standing may obtain a library card at no charge once the person has verified their identity and address. Students may show their school ID or other proof of enrollment from the school. If a person is unable to verify permanent address, they may apply for a Temporary Card (see below), or use materials within the library. Adult and Temporary Cards will be issued to individuals eighteen (18) years of age and over.

Any Maine resident who is not a resident or property owner of Ellsworth or a Supporting Town in good standing may obtain a library card by providing an accepted proof of residence and paying an annual fee of \$25 in FY21 and \$30 thereafter.

Children's cards for a non-resident household – An adult non-resident who pays for a card may receive one child's card at no additional charge. Any additional children's cards would be subject to the non-resident fee.

## **Temporary Cards**

Temporary Cards are issued to persons who are in the area for less than 90 days. Proof of identity, local address, and mailing address is required to obtain a temporary card.

Only one temporary card will be issued per family, and minors are not eligible for a temporary card. Only ten (10) items may be on loan on a temporary card at any given point in time. Temporary cardholders are not eligible for interlibrary loan privileges.

If an applicant cannot provide appropriate proof of identity or address, they may use materials within the library, but may not remove them from the building.

Temporary cardholders must pay a \$30 fee. Short-term residential facilities may make arrangements for free temporary cards for their residents.

## **Youth Cards**

A youth's card will be issued to minors fifteen (15) years of age and under. A parent or legal guardian must sign off on the library account and will assume fiscal responsibility for all items and charges associated with the youth's account. Any adult that signs off on a youth's card for which they are not the parent or legal guardian will have their own library card and the youth's card revoked immediately.

All students regardless of residential address who attend an Ellsworth public school are eligible to become a member.

The responsible adult will be listed in the youth's account on the first line of their mailing address preceded by a 'c/o'.

It should be noted that the library staff is prohibited by Maine law (*27 M.R.S. § 121*) from divulging account information to individuals other than the account holder, including parents and legal guardians. Parents and legal guardians may access the account online with the library card number and password for the child's account, or set up the minor child's account to send the responsible adult notifications directly via mobile text messaging services or email.

## **Other classes of Library Cards**

The Ellsworth Public Library may issue library cards to specific classes of persons with additional privileges and restrictions. These include other institutions (such as schools or other libraries), Outreach (for library members with disabilities), Teachers. These classes of persons may be subject to lower fines, longer lending periods, and/or additional renewals if needed. They may also be subject to special issuance and renewal protocols for their library accounts to verify the individual as belonging to one of these classes. (Please see the appropriate protocols for each class for details.)

## **Card Expiration and Renewal**

Adult and Children's Library Cards will expire one (1) year from their date of issue.

Temporary Cards will expire ninety (90) days after their date of issue.

Cards may be renewed at any point after their expiration date as long as the digital record of their library account is held in the system.

To renew a card, library members may come into the library in person bringing proof of identity and address as listed above, and the library staff will renew the account for them. Any non-resident card fees will be due upon card renewal. If a member is not able to come to the library in person, they may renew over the phone if their address information has not changed.

Should a library member otherwise in good standing have an account that expired within the last thirty (30) days, but not the appropriate materials to perform a renewal, they may receive one (1) courtesy checkout, with the understanding that they must bring in the appropriate materials for a renewal on their next visit. The library staff will also place a note on that member's account so that the member may not receive multiple courtesy checkouts. The note will be removed once the member's account has been renewed

## **Good Standing**

To be considered a library member in good standing, the library member must have a non-expired library account and the account balance must be at or below the accepted limit of ten dollars (\$10.00).

## **Borrowing materials**

For a library member to borrow materials from the library, they must be in good standing and present the Library Staff with their library card or a photo ID.

If a library member does not have their library card or a photo ID, they may place their items on reserve. (See Reserving Items below.)

*The library assumes no responsibility for damage or alleged damage to a borrower's personal belongings by the use of library materials.*

## **Lending Periods**

Library materials may be borrowed by library members for the following increments:

DVDs and Blu-Rays: twenty-one (21) days, one renewal

DVD player: seven (7) days, no renewals

Travel DVD Player: fourteen (14) days, 1 renewal

Twenty-one (21) days: All other circulating materials, one renewal

Non-circulating materials: Materials belonging to the following collections are not eligible for borrowing: newspapers, Reference, Maine Reference, and Genealogy.

## **Renewals**

All borrowed materials are eligible for one (1) renewal of equal time as their original lending period with the following restrictions:

Any material that has a reserve placed on it may not be renewed.

Library materials may be renewed through the online catalog or by phone, email, mail, or in person. If a library member has used the material(s) renewal allotment, and wishes for additional time with the material, they may bring the material back to the library. The library staff will return the material to the library, and if there are no reserves on the material, the library member may borrow the material again immediately. If there are extenuating circumstances preventing a member from coming into the library, the library director or designee may override the renewal limit one time.

Library materials may be renewed when they are past due if they meet the same qualifications for a normal renewal process. The materials may be renewed if the borrower is over the account limit for fines. The borrower will be liable for any fines accrued during the period between when the materials were originally due and the date at which the renewal took place.

## **Reserves**

A library member may reserve any circulating material either by logging into their library account online, by phone, or in person. The library member will be notified by email, text message, phone call when the material is available for checkout.

Members will receive one (1) notification with a definite date to pick the material up by. Reserve items must be picked up within one week of notification. Reserved items not picked up within the allotted time will be put back into circulation.

Reserve requests will be filled in the same order they are received.

Reserve requests for items not owned by the library (requests to purchase) will be filled if the item fits the library's collection development policy, and if constraints such as budget, staff, space, and time allow. Members will be notified if the library decides not to purchase an item they have requested.

## **Interlibrary Loan**

Materials unavailable at the Ellsworth Public Library may be borrowed through Interlibrary loan (ILL).

Requests may be made through the Minerva or MaineCat online catalogs, in person, by phone, email, or using the form on the library's website.

Interlibrary loan borrowing is a privilege. Loan periods and renewals are governed by the lending library, not the Ellsworth Public Library. Members are expected to comply with the lending library's restrictions and due dates. Failure to do so will jeopardize Interlibrary Loan privileges for all borrowers.

Library members must be in good standing to make ILL requests.

Patrons in good standing may request any lendable item in the Minerva catalog. If an item is not available through Minerva, patrons may request through the statewide catalog MaineCat if the item is listed as available. If the item is not available through either catalog, patrons may request an out of state interlibrary loan by contacting the library. Out of state interlibrary loans are generally not renewable.

Return postage will be charged for all out-of-state ILLs. Patrons will be contacted before an out-of-state search is initiated and informed there will be a cost for the return postage which will depend on the postage listed on the material when the material is received. Postage is due upon receipt of the material by the patron.

## **Overdue Materials**

The primary purpose of overdue charges is to have library materials returned on time. The Ellsworth Public Library Board of Trustees believes that the individual who chooses to keep materials past the due date, or who refuses to settle unpaid overdue charges, compromises his or her right to privacy.

The library will attempt to recover overdue materials and will notify users of unpaid overdue charges and fees according to the notification schedule below. Information regarding overdue and non-returned materials and member information, including address(es), email address(es), and telephone number(s), may be disclosed by the Ellsworth Public Library to law enforcement agencies and/or collection agencies after the library has followed its established procedures in attempting to retrieve overdue materials.

## **Notification Schedule**

First (1<sup>st</sup>) Notice is sent via email, text message or phone when the material is five days overdue.

Second (2<sup>nd</sup>) Notice, at ten days overdue, is a telephone call, text message, or email. Should none of the contact information be in service, a written notice will be sent via first class mail.

Third (3<sup>rd</sup>) or Final (Billing) Notice, at twenty days overdue, is a bill for the full replacement cost of the materials, as well as a five dollar (\$5.00) processing fee per each material overdue. The processing fee represents money that the Ellsworth Public Library spent to select, order, catalog, and process that material. This notice includes the information that the library may use other means to assure return of the materials. Such action will be decided on a case-by-case basis and may include referral to law enforcement and/or a collection agency.

At any time during the overdue process, the library staff may make calls or send emails to the library member in order to achieve return of the overdue materials.

### **Overdue Charges**

Video materials: fifty cents (\$.50) per material per day

All other materials: fifteen cents (\$0.15) per material per day

No fines are charged on children's materials effective September 1, 2019. No replacement fees are charged on children's board books.

Fines are waived during the COVID pandemic. Library trustees may opt to reinstate fines on adult materials at their discretion.

### **Other Fees**

Black and white photocopies and computer printouts: twenty-five cents (\$0.25) per page

Color photocopies and computer printouts: fifty cents (\$0.50) per page

Microfilm printouts: twenty-five cents (\$0.25) per page

Faxing service: one dollar for the first page, fifty cents (\$0.50) for each additional page

### **Lost, Damaged, or Destroyed Materials**

Members failing to return materials will be charged the current replacement cost of the material as well as a five dollar (\$5.00) per item processing fee. If the replacement cost cannot be determined, the following fee schedule will apply:

Hardcover fiction:	Thirty dollars (\$30.00)
Hardcover nonfiction:	Thirty-five dollars (\$35.00)
Trade paperback:	Eighteen dollars (\$18.00)
Mass market paperback:	Nine dollars (\$9.00)
Hardcover large print:	Thirty-seven dollars (\$37.00)
Softcover large print:	Twenty-five dollars (\$25.00)
Encyclopedia or reference work (per volume):	Seventy dollars (\$70.00) or set price*

Magazine or periodical:	Cover price of current issue
Audiobooks (per each disc):	Ten dollars (\$10.00) or set price*
Music CD:	Eighteen dollars (\$18.00) or set price*
DVD or Blu-ray:	Thirty dollars (\$30.00) or set price*

\* For materials with multiple parts, when individual parts cannot be replaced, the borrower will be charged the full replacement cost for the entire set.

At the discretion of the Library Director, the borrower may replace a lost material with a new item that is an exact match and duplicate with regards to title and edition.

Any person who knowingly fails to comply with Library policies concerning the return of materials may also be charged with a Class D crime. (See Title 17-A: Maine Criminal Code, Chapter 15, §360)

### **Refunds**

Refunds will be made within thirty (30) days or until the library has ordered a replacement copy, whichever is shorter in duration, for lost materials that library members have paid for and subsequently found in acceptable condition and returned to the library. Processing fees will not be refunded.

### **Denial of Borrowing Privilege or Library Use**

Use of the Ellsworth Public Library and/or borrowing of library materials may be denied for:

- Violating the Ellsworth Public Library Code of Conduct
- Loss of materials
- Having materials three (3) weeks or more overdue
- Failure to pay charges on an account in excess of ten dollars (\$10.00)
- Having any overdue notice returned
- Tampering with Library property
- Engaging in any illegal activities

### **Right of Appeal**

Library members denied borrowing privileges may appeal the decision in writing to the Library Director within twenty-one (21) days of occurrence.

If the Library Director upholds this decision, the library member may appeal the Director's decision in writing to the Library Board of Trustees within sixty (60) days of the date of the Director's decision.

### **Ellsworth Public Library Staff**

Unless otherwise stipulated by trustees, library staff must adhere to the same fine and fee rules as any member of the public.



All Ellsworth Public Library staff may receive a library card free of charge.

**Revisions adopted by the Board of Trustees – December 16, 2013 to become effective on February 1, 2014.**

**Additional revisions approved by the Board of Trustees – February 24, 2014 to become effective on March 15, 2014.**

**Revisions adopted by the Board of Trustees – November 17, 2014 to become effective on January 1, 2015.**

**Revisions adopted by the Board of Trustees – January 27, 2016 to become effective on January 28, 2016**

**Revisions adopted by the Board of Trustees – April 25, 2017 to become effective on April 26, 2017**

**Revisions adopted by the Board of Trustees January 22, 2018 to become effective on January 23, 2018.**

**Revisions adopted by the Board of Trustees April 16, 2019**

**Revisions adopted by the Board of Trustees June 24, 2019 to become effective on September 1, 2019**

**Revisions adopted by the Board of Trustees December 17, 2019 to become effective on December 18, 2019**

**Revisions adopted by the Board of Trustees November 18, 2020 to become effective on November 19, 2020**

**Revisions adopted by the Board of Trustees December 21, 2021**

**Revisions adopted by the Board of Trustees July 12, 2022 effective immediately.**

**Revisions adopted by the Board of Trustees May 17, 2023 effective immediately.**

MAINE REVISED STATUTES

TITLE 27. LIBRARIES, HISTORY, CULTURE AND ART

CHAPTER 4-A. LIBRARY RECORDS

27 M.R.S. § 121

§ 121. Confidentiality of library records

Records maintained by any public municipal library, the Maine State Library, the Law and Legislative Reference Library and libraries of the University of Maine System and the Maine Maritime Academy that contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

Maine Revised Statutes

Title 17-A: MAINE CRIMINAL CODE

Part 2: SUBSTANTIVE OFFENSES

Chapter 15: THEFT

§360. Unauthorized use of property

1. A person is guilty of theft if:

A. Knowing that the person does not have the consent of the owner, the person takes, operates or exercises control over a vehicle, or, knowing that a vehicle has been so wrongfully obtained, the person rides in the vehicle. Violation of this paragraph is a Class D crime; [2003, c. 510, Pt. C, §4 (AMD).]

A-1. The person violates paragraph A and the person has 2 or more prior convictions for any combination of the Maine offenses listed in this paragraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. The Maine offenses are: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime; [2007, c. 476, §18 (AMD).]

B. Having custody of a vehicle pursuant to an agreement between the person and the owner of the vehicle whereby the person or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of the vehicle, the person intentionally uses or operates the vehicle, without the consent of the owner, for the person's own purposes in a manner constituting a gross deviation from the agreed purpose. Violation of this paragraph is a Class D crime; [2003, c. 510, Pt. C, §4 (AMD).]

B-1. The person violates paragraph B and the person has 2 or more prior convictions for any combination of the Maine offenses listed in this paragraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. The Maine offenses are: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime; [2007, c. 476, §19 (AMD).]

C. Having custody of property pursuant to a rental or lease agreement with the owner of the property or a borrower's agreement with a library or museum whereby the property is to be returned to the owner

at a specified time and place, the person knowingly fails to comply with the agreed terms concerning return of such property without the consent of the owner, for so lengthy a period beyond the specified time for return as to render the retention or possession or other failure to return a gross deviation from the agreement. For purposes of this paragraph, proof that the person fails to return the property within 5 days of receiving a written demand from the owner, mailed by certified or registered mail or delivered by hand after the expiration of the rental period to the most current address known to the owner, gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 of a gross deviation from the agreement. Violation of this paragraph is a Class D crime; or [2003, c. 510, Pt. C, §4 (AMD).]

D. The person violates paragraph C and the person has 2 or more prior convictions for any combination of the Maine offenses listed in this paragraph or for engaging in substantially similar conduct to that of the Maine offenses listed in this paragraph in another jurisdiction. The Maine offenses are: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts to commit any of these crimes. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime. [2007, c. 476, §20 (AMD).]

[ 2007, c. 476, §§18-20 (AMD) .]

2. As used in this section, "vehicle" means any automobile, airplane, motorcycle, motorboat, snowmobile, any other motor-propelled means of transportation, or any boat or vessel propelled by sail, oar or paddle.

[ 1975, c. 740, §57 (AMD) .]

3. It is a defense to a prosecution under this section that the person reasonably believed that the owner would have consented to the person's conduct had the owner known of it.

[ 2001, c. 383, §156 (AFF); 2001, c. 383, §48 (AMD) .]

4.

[ 2003, c. 510, Pt. C, §5 (RP) .]

#### SECTION HISTORY

1975, c. 499, §1 (NEW). 1975, c. 740, §§56,57 (AMD). 1997, c. 319, §1 (AMD). 1999, c. 262, §1 (AMD). 2001, c. 383, §§47-49 (AMD). 2001, c. 383, §156 (AFF). 2001, c. 667, §D11 (AMD). 2001, c. 667, §D36 (AFF). 2003, c. 510, §§C4,5 (AMD). 2007, c. 476, §§18-20 (AMD).