

**PORTLAND MUSEUM OF ART
COLLECTION MANAGEMENT POLICY**

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PORTLAND MUSEUM OF ART COLLECTION MANAGEMENT POLICY

I. PREAMBLE

The following sets forth policy and procedures pertinent to the Collection at the Portland Museum of Art (hereafter known as the “PMA”). It addresses the nature of the PMA’s Collection and the responsibilities of its management. It presents guidelines for related matters of ethical conduct; acquisitions and deaccessions; gifts and loans; conservation and exhibitions. Implicit throughout is the recognition that the Collection determines the character of the Portland Museum of Art and is the primary fiduciary obligation of the Board of Trustees (hereafter known as the “Board”).

The Collection Management Policy (hereafter referred to as the “CMP”) is formulated in accordance with the Bylaws of the Portland Museum of Art.

II. MISSION AND VISION

MISSION

Art for All. The Portland Museum of Art seeks to create an inclusive space that champions open expression and makes art accessible to all.

VISION

To be a central gathering place where a strong artistic vision and the collection drive conversation, creativity, cultural vitality, and economic impact.

The Collection Committee shall consist of no fewer than ten and no more than twenty-five members. In conjunction with the corporation’s professional staff, the Collection Committee shall be responsible for overseeing the development and management of the corporation’s collection. Subject to the approval of the Board, the Collection Committee shall accession and deaccession objects, and approve loans of objects in the corporation’s collection. The Collection Committee shall monitor the corporation’s professional staff in developing and maintaining a collecting plan and management policies that reflect best PMA practices.

III. MANAGEMENT RESPONSIBILITIES

a. ROLE OF THE BOARD OF TRUSTEES

The Board has final legal responsibility to approve the accessioning, lending, and deaccessioning of objects into and from the collection. No work of art shall be accessioned or deaccessioned without a formal recommendation to the Board of Trustees by the director or curators through the Collection Committee.

b. ROLE OF THE COLLECTION COMMITTEE

The Collection Committee serves on behalf of the Board of Trustees as steward of the PMA collection. The quality of the collection is a measure of the PMA, and the Collection Committee serves as the primary advocate for its development, maintenance, and safeguarding.

The Collection Committee is charged by the Board to consider recommendations from the Director and curators for accessioning through purchase, gift, exchange, or other means; for deaccessioning; and for loans from the collection. As advocates for the collection, members of the Collection Committee are expected to champion the collection in the following ways: raising funds for the purchase of art, providing expertise, and networking within the community.

Members of the Collection Committee are appointed annually by the Board President, subject to the approval of the Board as provided for in the Bylaws of the PMA. Recommendations for participation shall be solicited from the Director, curators, and Collection Committee members.

i. PROCEDURES

The Committee shall function in accordance with the meeting requirements outlined in the PMA's Bylaws. The Chair shall conduct the business of all meetings and shall appoint a substitute in their absence. The Director or curators shall make recommendations to the Committee as to the substituting Committee member.

Motions shall be passed with a simple majority of Committee members. Staff members shall not vote. When matters are of particular urgency, members of the Committee may be polled by telephone or electronic means.

Regular attendance of Committee members is expected in order to ensure continuity from meeting to meeting. Should a Committee member be unable to attend meetings regularly, their position on the Committee will be reviewed. Failure to attend 50% of meetings in a given year will be justification for the Chair, at their discretion, to ask the member to resign.

The Collection Committee shall meet on a regular schedule agreed upon by the Committee and staff. An agenda of all objects under consideration shall be circulated to Committee members prior to regular meetings. Recommendations to the Collection Committee for acquisitions, deaccessions, and loans from the permanent Collection shall be presented to the full Board of Trustees for their approval at the following Board of Trustees meeting date, in a report circulated to Board members prior to the Board meeting. A copy of this report, signed by the President of the Board, shall be returned to the Registration staff for storage.

c. ROLE OF THE DIRECTOR

Working together with members of the professional staff, the Director shall be the individual ultimately responsible for recommendations to the Collection Committee for objects to be accessioned, loaned from the collection, and deaccessioned. In consultation with the Director, the curators may make recommendations to the Committee.

d. ROLE OF THE STAFF

The curators shall be responsible for selecting, researching, and cataloguing works that will be presented to the Collection Committee.

The registration staff shall be responsible for preparing the agenda for Collection Committee meetings. The curators and registration staff shall be responsible for arranging for works to be presented at meetings of the Committee. Curators and registration staff are expected to attend meetings of the Collection Committee as assigned.

IV. ACQUISITIONS

The PERMANENT COLLECTION of the PMA consists of all accessioned works of art owned by the PMA, whether acquired through gift, bequest, purchase, exchange, transfer, or abandonment.

a. PERMANENT COLLECTION STATEMENT

The PMA will continue its active ongoing program of acquisition, exhibition, documentation, and preservation of works of art in order to fulfill its mission. The collection will emphasize 18th-, 19th-, 20th, and 21st-century American art, and particularly works or artists related to Maine. In addition, the collection may include 19th- and 20th-century European art and other works that complement and diversify these strengths.

i. GIFTS

It is the practice of the PMA to accept gifts free and clear without any restrictions whatsoever. Exceptions may be made when acceptance of certain conditions is clearly in the long-term interest of the institution. Curators must disclose any restrictions to the Committee prior to the vote.

The term gift applies to all objects, properties, or materials that are offered to the PMA without direct financial obligation in transferring legal title. The term donor is applied to the titleholder of the gift immediately prior to its transfer to the PMA. The transaction of the gift takes place when the donor as the legal titleholder has complied with all relevant federal, state, and local laws for the effective transfer of legal title to the PMA, including the signing of the PMA's Statement of Gift form.

Proposed gifts shall be evaluated as to their quality, value, condition, and appropriateness to the collection. The PMA's ability to care for a gift shall also be considered. The provenance of all gifts should be creditable and acceptable. The gift must in no way violate the provisions of the UNESCO convention, Native American Graves Protection and Repatriation Act (NAGPRA) (see Special Considerations) or any other federal, state, or local laws regarding the acquisition of works of art.

It is the responsibility of the donor to secure, fund, and arrange an appraisal of the gift if they so desire. Both the Internal Revenue Service and the American Association of Museums prohibit involvement of PMA staff in the appraisal process. If the object(s) are in the possession of the PMA, the object(s) will be made available to the donor's appraiser.

Either the Director or the Chief Curator may sign IRS form 8283 which acknowledges the gift to the PMA, a 501(c)3 nonprofit organization.

It is the PMA's responsibility to comply in good faith with legal and professional practices involving copyrights and rights of reproduction. The PMA does not generally ask for gifts of copyright interests by living artists.

1. PROCEDURES

The Director or a curator may present recommendations for the acceptance of gifts at the regular meetings of the Collection Committee. Recommendations are listed on the agenda which shall be circulated to Committee members at regular meetings. Every effort is made to display the original object for the meeting or at least a photograph of said object. It is also the responsibility of the curator to provide cataloging information to the registration staff.

When the market value of a gift can be clearly established as under \$20,000.00, no vote is required by the Collection Committee. However, the gift must be reported to the

Collection Committee with written justification for the gift, signed by both the Director and the Chief Curator that includes provenance information. This report is forwarded to the President of the Board of Trustees for their approval. The gift will then be reported to the Board.

If such an artwork requires an unusual or exceptional level of care, the Board may be asked to vote on whether it should be accessioned into the permanent collection.

When the market value of a gift exceeds \$20,000.00, and the gift is considered by the Collection Committee and approved for acquisition, the Collection Committee shall forward a written recommendation seeking approval to accession the artwork into the permanent collection to the Board of Trustees. This recommendation is forwarded to the Board in the form of the Collection Committee Report. The Board has final responsibility for the acceptance of gifts which shall be expressed by a majority vote.

In the unusual circumstance in which a gift is declined by the Collection Committee or Board, a gift may be reintroduced at a subsequent meeting if sufficient reason exists for reconsideration.

ii. **BEQUESTS**

Bequests are made to the PMA when a donor specifies in a valid and legal document that certain tangible personal property will be given to the PMA upon the donor's death.

When notified by a donor of their intention, the Collection Committee may discuss intended bequests and indicate to the donor the probability of acceptance. Upon the death of the donor, the objects bequeathed may be presented to the Collection Committee for acceptance into the collection, if deemed appropriate to the collection. It is the responsibility of the registration staff to obtain a notarized copy of the Last Will and

Testament, revocable trust, or other documentation of the deceased donor stating the bequest.

iii. PROMISED GIFTS

When a donor intends to make a gift of artwork in the future, either during their lifetime or at their death, the PMA shall memorialize the donor's intent in a Promised Gift Form. The promised objects may or may not be in the PMA's possession during the period between when they are promised and at any time prior to legal title passing from the donor to the PMA. Promised gifts shall not be approved by the Collection Committee or the Board until such time as ownership is transferred to the PMA.

Curators are to disclose, whenever possible, promised gift arrangements to the Collection Committee. A "conditional vote" will be taken by the Committee and this vote will be non-binding as a transfer of title.

iv. PURCHASES

Purchases are made to strengthen and deepen the collection, as well as to enrich, upgrade, and complement aspects of the collection.

1. PROCEDURES

The Director or a curator may present recommendations for purchases at the regular meeting of the Collection Committee.

If the purchase price is less than \$10,000.00, the object may be purchased without the prior approval of the Collection Committee. However, written justification for the purchase, signed by both the Director and the Chief Curator that includes provenance information, will be submitted to the Collection Committee.

These purchases do not require Board approval; the Director or the President of the Board may approve them.

Recommendations for all other purchases are listed on the Collection Committee agenda. Every effort is made to display the original object for consideration by the Collection Committee at its meeting.

If the purchase is approved, the Collection Committee shall forward a recommendation seeking approval of the purchase by the Board. The Board has final responsibility and must accept purchases with a majority vote.

If declined, a purchase may be reintroduced at a subsequent meeting if sufficient reason exists to justify reconsideration.

Payment is generally issued for purchase only after the Board approves the addition to the collection. Payment cannot be issued for the purchase of the object without an invoice issued by the vendor indicating what is being sold with a complete description of the object and the amount of the purchase with any additional fees and discounts clearly indicated.

The occasion may arise, due to the business practices of the vendor, that payment may need to be generated prior to the final acceptance by the Board of Trustees. When, in judgment of the Director, the Chief Curator, the Chair of the Collection Committee, and the President of the Board of Trustees, such prompt action is necessary to secure an object for the PMA's collection, such as in an auction, the Director has the authorization to spend funds available to the PMA. The Director or Chief Curator must submit justification to the Collection Committee, in the form of a

written statement, for such a purchase in a timely manner. These discretionary purchases will then be treated as a report to the Committee. Alternatively, the Collection Committee may be polled by letter, telephone, or email regarding the purchase if it is possible to do so in a timely manner.

b. SPECIAL CONSIDERATION

Native American Graves Protection and Repatriation Act (NAGPRA).

The PMA recognizes the rights of Native American nations and peoples and the necessity to pursue related historic and scientific research and public education in a respectful and non-intrusive manner. Therefore, the PMA will consult to the fullest extent possible with living cultural groups regarding ownership and treatment issues before deciding to acquire culturally sensitive material relating to these groups. In the future, if the PMA decides to accept or care for repository collections, the PMA may issue stipulations to ensure that the treatment and disposition of culturally sensitive materials include adequate consultation with concerned parties.

V. INCOMING LOANS

Incoming loans of long or short duration are generally considered for the purpose of elucidating related objects, inclusion in special exhibitions, or for the development of new audiences. The PMA should accept and/or solicit incoming loans when its audiences or artistic program clearly will benefit from such an arrangement. The PMA should recognize the responsibility and risks involved when it agrees to an incoming loan, as well as the investment of staff time and physical space.

Circumstances under which the PMA would benefit from incoming loans include: 1) inclusion in a specific installation or exhibition; 2) safekeeping of an object promised to the collection; 3) clear benefits in donor cultivation; 4) development of new audiences; 5) relation to the PMA's mission; 6) when objects have a future gift potential. Incoming loans are accepted by the curators or Director in consultation with the registration staff.

Long-term loans of an indefinite period shall be discouraged.

Special scrutiny should be given to long-term loans of artwork from members of the Board of Trustees, from honorary trustees, as well as from employees or volunteers of the PMA. The PMA may not offer the equivalent of free storage, insurance, or other comparable services to any such person. Further, as in any circumstance in which employees face the real or perceived conflict of interest, the PMA's Code of Ethics should be consulted for guidance.

For current or existing loans that do not adhere to the Collection Management Policy, it is the responsibility of the curators, registration staff, and Director to author and maintain a written document that outlines a plan of action for compliance.

a. PROCEDURES

i. FORMS

All lenders will enter into a loan contract with the PMA through a Loan Agreement form which details the conditions under which the object or objects are borrowed. Loan Agreement forms are generated by the registration staff; for exhibition loans a loan letter is generated by the relevant curator. The Loan Agreement form is maintained by the registration staff and is approved by signature of the appropriate registration staff member.

ii. INSURANCE

If insurance is to be provided by the PMA, the object(s) will be insured for the amount specified on the face of the Loan Agreement (agreed-upon value by both the lender and the PMA) by the PMA under its all-risk wall-to-wall fine arts policy, subject to the standard exclusions which are listed under "conditions governing loans" on the reverse of the Loan Agreement. In the case of a long-term loan, it is the responsibility of the lender to notify the registration staff of current insurance values. The PMA will not approve loans until the lender has provided adequate details regarding handling, packing, and transportation methods.

Where such methods are not satisfactory, the PMA will insure the object only after receipt and inspection by the registration staff.

If the lender elects to maintain their own insurance, then prior to shipping the registration staff must be supplied with a Certificate of Insurance naming the PMA as an additional insured or waiving rights of subrogation against the PMA. If the lender fails to provide said Certificate, this failure shall constitute a waiver of insurance by the lender. The PMA shall not be responsible for any error or deficiency in information furnished by the lender to the insurer or for any lapses in such coverage.

In certain cases, the PMA reserves the right to insure a work and bill the lender for the premium.

iii. COSTS

With the exception of loans requested by the PMA or loans for exhibitions, the lender will be expected to pay for all costs related to packing and transportation. The responsibility for the costs of conservation, as well as matting and framing, will be borne by the lender. The PMA may undertake maintenance for preservation or exhibition purposes but generally will not perform conservation treatment. The PMA will not undertake any measures on the object, such as stated above without express written permission of the lender (email is acceptable).

iv. DURATION

Loan agreement forms cannot be executed for an indefinite amount of time and cannot be for periods greater than five years. Long-term loans shall be reviewed on a periodic basis to assure continuing relevance. The staff will also review the condition of all loans and will inform lenders of any changes. Shifts in status from loan to gift will be encouraged by the Director or curators. If the lender wishes to terminate a loan, a 30-day written notice of the release date is required.

v. PHOTOGRAPHY

Unless otherwise notified in writing by the lender, the PMA or its agent may photograph or reproduce the object(s) lent and use such photographs, or reproductions for educational, publicity and study purposes. It is also understood by the lender that works of art on exhibit in PMA galleries are subject to the PMA's photography policy.

vi. STORAGE

Incoming loans will be handled and stored in a manner consistent with the handling and storage of permanent collection objects.

When requested by the PMA, removal from the premises of a long-term loan will follow a procedure for notification and possible storage fees, maintained by the registration staff and approved by the Chief Curator as stipulated in item A.9, Abandoned Loans.

vii. TEMPORARY LOANS

In some cases, works may be received at the PMA on a temporary basis for examination or on behalf of another party with the PMA serving as a third and disinterested party. While such situations are discouraged, the action requires that the object be given a temporary loan status, and that the depositor sign a temporary loan receipt. This form holds the PMA harmless from any and all liability and/or direct damage including an event of gross negligence. Storage care and fees described above under items

A.3 and A.6 are applicable to all temporary deposits.

viii. CHANGE IN OWNERSHIP

It is the responsibility of the lender or their agent to notify the PMA promptly in writing in the event of change of ownership of the artwork lent, whether by transfer or death, or if there is a change in the identity and/or address of the lender. The PMA assumes no responsibility to search for a lender (or owner) who

cannot be reached at the address of record. However, the PMA will make a sincere good-faith effort to ascertain rightful ownership before releasing the artwork.

ix. ABANDONED LOANS

If a loan is not claimed by a lender, the PMA will treat the object consistent with current Maine statutes for unclaimed property in museums and historical societies. As of 2018, this statute provides that any property held by a museum for three years or more, to which no person has made a claim, shall be deemed to be abandoned and shall become the property of the museum, providing the museum has made every available effort to contact the lender and has given the required notice as defined in Title 27, Chapter 19, Statue 601, in the Maine Revised Statues of Maine State laws.

Once the object becomes the property of the PMA, curators may make the recommendation to the Collection Committee for the object to be accessioned. Not all abandoned property is of a quality for the collection, in which case the PMA has the discretion of the method of disposal.

VI. OUTGOING LOANS

In considering an outgoing loan from the collection, the Collection Committee should recognize the potential for enhanced research and visibility of the object, as well as the possibility for beneficial interchange with similar institutions. Furthermore, outgoing loans may serve to develop new audiences for the PMA. Outgoing loans are initiated by the Chief Curator in consultation with the registration staff and the Director. Recommendations are voted on by the Collection Committee and, if approved, forwarded to the Board for final approval.

a. CONDITIONS

i. CONDITION OF THE OBJECT

The primary factor in the consideration of an outgoing loan is the

condition of the object and its ability to withstand the risks of travel. Such consideration should include a review of the object and an analysis of its present stability by the Chief Curator and registration staff. Consideration should be given to anticipated changes in the integrity of the object that may occur as the result of packing, shipping, installation, and return of the object, with special attention given to the method and environment of transportation, and the security of the object while on exhibit.

ii. RESPONSIBILITIES OF THE BORROWING INSTITUTION

The PMA prefers to receive requests for loans from the permanent collection from the Borrowing Institution six months prior to the opening date of the exhibition. If the request is made after this deadline, the PMA has the discretion to refuse to consider the loan. Unusual circumstances, such as the importance of the exhibition, the possibility of a loan in exchange for another work, or other factors regarding the institutional relationship may be considered.

Loan approval is contingent upon the borrowing institution providing a facilities report, which shall be reviewed by the registration staff. The facilities report should record the borrowing institution's policy regarding environmental controls, security systems, handling and installation expertise, and procedures for the care and preservation of the object. As a matter of policy, environmental conditions and security should not be less than those found at the Portland Museum of Art.

Notwithstanding the preceding paragraph, when the loan of an object in the collection is requested by a museum, library, school, or other similar institution located in the State of Maine, and the facilities report indicates that the borrowing institution's environmental condition or security is less than that of the PMA or otherwise does not satisfy the requirements of the American Association of Museums, the Collection Committee may exercise its discretion to approve such a loan and recommend approval by the Board.

iii. FORMS

A loan agreement form, supplied by the borrowing institution, may be completed by the registration staff. When the borrowing institution does not have a standard loan agreement form, or the form does not include conditions deemed necessary by the registration staff, the registration staff may elect to require the borrowing institution to complete a PMA Borrower's Agreement. This Borrower's Agreement documents all information and specifics regarding the object, its transit, and its installation.

Restrictions, fees, insurance value, and a credit line are also detailed. Copies of forms are included in Appendix A.

iv. FEES

All Borrowers requesting a loan or loans from the collection may be charged a loan fee per object as determined by the Chief Curator and registration staff.

All framing, matting, mounting, conservation, shipping, and packing costs incurred by the PMA on behalf of a borrower will be charged to the borrower. The borrower is responsible for shipping costs from and to the PMA. Costs for photography will also be paid by the borrower as outlined in Section XII.

The PMA recognizes that loans of objects of extraordinary quality require special consideration. The Chief Curator and Director may choose, as an alternative to established fees, to request from the borrower an exchange loan to the PMA of an object of like quality, significance, and value.

At the PMA's discretion, a courier may be required to accompany an object to and from its destination. In such instances, the borrowing institution will be required to pay all costs related to the courier's travel.

v. INSURANCE

With most requests, the Borrowing Institution is required to insure an outgoing loan under an “all-risk” wall-to-wall fine arts policy, subject to standard exclusions. A certificate of insurance must be sent to the registration staff before shipment naming the PMA as additional insured and waiving rights of subrogation. Failure of the borrower to have the agreed-upon insurance in force in no way releases the borrower from liability for damage or loss. The PMA may reserve the right to insure the object under its own policy and bill the Borrowing Institution for the premium. The registration staff, in consultation with the Director, is the representative of the PMA in all insurance matters.

b. SPECIAL CIRCUMSTANCES

The occasion may arise when a borrower requests a loan from the PMA for an object which is on loan to the PMA or in the PMA’s custody. In such circumstances, the PMA must seek written approval from the owner for the loan.

VII. CARE OF THE COLLECTION

a. STATEMENT

Since the development of the collection is one of the primary objectives of the PMA, a program of maintenance of the collection is essential to the well-being of the objects on exhibitions and in storage. Preservation is the practice of routine measures to maintain an object in stable condition. Conservation is the physical treatment necessary to return an object to a stable condition or its original condition. If possible, the registration staff and curators will coordinate with the artist about the specific nature of the object and its care. All works, regardless of their monetary or aesthetic value and regardless of whether they are loans or PMA property, shall be given the same proper treatment.

b. EXHIBITION

The PMA will adhere to best practices in the installation and exhibition of the artworks in its permanent collection. Specifically, artworks will be installed in the galleries in a safe manner and by professional art handlers with consideration for existing security measures and climatic conditions.

Light levels will be tested on all objects and compliance with the following measures will be taken, unless otherwise directed by a consulting conservator:

Works on paper: 5-8 footcandles

Wood sculptures and decorative art: 10-12 footcandles Paintings: 15-25 footcandles

Indoor sculptures, all other media: 15-25 footcandles

c. PRESERVATION

i. STORAGE

Objects will be maintained in a climate-controlled environment which assures their well-being and longevity. Methods of storage will conform with professional standards and will be established by the Chief Curator and the registration staff for all objects according to their media, condition, physical attributes, and/or unique qualities.

The registration staff is responsible for maintaining proper storage systems and all necessary records, including a location log for efficient retrieval.

ii. HANDLING

Procedures for the handling of objects, including movement and installation within the institution, will conform with professional standards established by the Chief Curator and registration staff for all objects according to their media, condition, physical

attributes, or unique qualities. The registration staff has supervisory responsibility for maintaining standards of handling.

Damage to any work, whether on loan or PMA property, whether in storage or on exhibit, will be reported to the Chief Curator and the registration staff. The Chief Curator will inform the Director of any and all damage.

Due to the fragility of art objects, the PMA recognizes that the handling thereof is a specialized skill. The artwork shall be handled only by people who are qualified through training and experience. The registration staff, with support of other curatorial staff, will conduct art-handling training on a periodic basis.

It is the goal of the PMA that at least two qualified staff members shall be present for every art move.

d. CONSERVATION

The Chief Curator and registration staff are responsible for recommending conservation treatment and for identifying the conservator best suited to undertake the work. The registration staff is responsible for all record keeping of treatment, including written and photographic records.

The PMA staff will not undertake any conservation treatment beyond their levels of expertise, which shall be determined by the registration staff. Conservation work shall be executed by recognized, qualified, and experienced professionals and shall follow the guidelines and procedures set forth in the Code of Ethics of the American Institute of Conservators. Of particular importance is the full written and photographic documentation of all work undertaken, and all treatment whenever possible shall be reversible and shall not alter the physical, historical, or aesthetic character of the work.

e. POLICY FOR EXPOSURE TO LIGHT FOR WORKS ON PAPER

Recognizing that works on paper have an inherent sensitivity to light that is irreversible, the PMA will show its drawings, prints, pastels, and photographs 10-12 weeks every three years or the equivalent. The registration staff and the Chief Curator have the responsibility of enforcing this policy in consideration of exposure for exhibition, both at the PMA and borrowing institutions.

f. EMERGENCY PROCEDURES

The PMA will maintain and implement a written Disaster Plan which will determine and set procedures to be followed in the event of a disaster. The written plan will be distributed to all staff who, as a term of employment, must be familiar with it. The Disaster Plan will be reviewed on a regular basis and no less than annually.

VIII. COLLECTION RECORDS

a. STATEMENT

The objective of collection records is to document the entire physical and written history of an object, its acquisition, its transfer of legal title to the PMA, its exhibition and exposure records, and all related matters. The registration staff is responsible for the maintenance of primary collection records as well as digital records. Complete collection records include object histories, provenance, Statement of Gifts or Warranty Bill of Sales, invoices, condition and treatment records, legal interest and financial documentation, and correspondence. The primary forms used in collection records include the Statement of Gift (for gifts), the Warranty Bill of Sale and original invoice (for purchases), and the Loan Agreement (for outgoing loans). Internal procedural forms are developed and maintained as necessary. The registration staff maintains all photography files that provide an accurate documentation and archival record of the work and its condition.

b. ACCESSIBILITY

Files maintained by the registration staff are of a restricted nature and are not accessible to the general public. Permission for use by scholars, staff members, and others is granted on a case-by-case basis on the basis of need as determined by the registration staff. Procedures to be followed are established by the registration staff.

c. INVENTORY

An inventory of the collection should be maintained and updated as often as practical, at least every 5-7 years. The purpose of the inventory is to confirm there is no change to the object, location, and condition of each object.

d. DATABASE

In addition to the paper files, collection records are maintained on a digital collection database system. Object data as well as location records are recorded. This database is routinely backed up.

IX. COLLECTION INSURANCE

The registration staff, after consultation with the Chief Curator and the Director, has the responsibility of establishing guidelines for insurance and determining fine arts insurance coverage necessary to safeguard the PMA collection. The registration staff, in consultation with the Director, has the responsibility for implementation of such guidelines. Changes to the insurance guidelines will be considered only after thorough analysis and recommendation by the registration staff. Insurance policy, coverage and procedures will be reviewed on an annual basis. Maintenance of collection insurance and all records of internal and external action is the responsibility of the registration staff.

a. DETERMINATION OF VALUES

The evaluation of objects for insurance purposes must be determined by the curator whose area of expertise the object lies within, in

consultation with the registration staff, through research, consultation of recent auction records, and appraisals from responsible parties.

All objects entering the collection on a short-term basis (that is, for a period of six months or less) or for consideration as a gift or purchase will be insured for a value agreed upon by the appropriate staff and lender.

An insurance value provided by the curator at the time that artwork is accessioned into the permanent collection provides the initial information for subsequent review and, if necessary, updates. This value given shall not be used as the appraised value for tax-reporting purposes.

b. CLAIMS

Claims on damaged, missing, or stolen objects will be negotiated by the registration staff on behalf of the PMA in consultation with the appropriate staff and Trustees. Funds received from claims will be used to restore the specific object or for the direct benefit of the collection and in a manner designated by the Chief Curator. It is recognized that pursuit of a claim in a situation of damage could result in an exchange of the damaged object to the insurer for the amount of the financial award. Such actions will be reported to the Board prior to the settlement of the claim.

X. ACCESSIBILITY OF THE COLLECTION

The PMA collection is accessible to the general public through exhibitions of collection objects, online through the PMA website, or through appointment in the Peggy L. Osher Art Study and Collection Committee Conference Room (OASR).

The OASR has a list of guidelines for use by the public and these are on the PMA's website. (Appendix B)

A collection object will not be removed from an installation, nor removed from the PMA for study purposes. Visitors to the OASR will be accompanied by a collection staff member at all times when viewing an object.

XI. RIGHTS AND REPRODUCTION

The PMA recognizes that the integrity of the collection and the institution is in part maintained through strict adherence to a policy regarding rights and reproduction. While collection development may be served through the selective reproduction of its objects, legal and copyright restrictions require specific attention to procedures and recording.

The purpose of reproduction of collection objects in publications and on the internet should bear a direct relationship to the objective of the PMA which is the acquisition, exhibition, documentation, and preservation of works of art. Generally, publication rights will be prioritized and not unreasonably withheld for scholarly books, catalogues, exhibition brochures, and appropriate periodical articles.

a. PROCEDURES

Requests for publication rights are to be made in writing to the registration staff. The request will be reviewed and publication rights granted by the staff member managing such requests if the appropriate criteria are met. The curatorial staff will be consulted when there is a question about the merit of a particular publication or a waiver of publication fees is at question. The PMA recognizes that a request for publication may be made for commercial use as well as use on the internet. Such requests will be handled on an individual basis and in consultation with appropriate staff.

The registration staff is responsible for maintenance of all records pertaining to Rights and Reproduction.

b. CONDITIONS

Requests for reproduction which debase, abuse, or diminish the integrity of the object will not be approved.

Publication rights will be granted for one-time-use only. The proper credit line must be used. The PMA, as standard practice, requests two copies of the publication in which a work is reproduced, as well as the appropriate fees.

The full credit line for the artwork must appear alongside the image in publication.

c. FEES (Appendix E)

A fee schedule, set by the registration staff, will be charged for each work requested for publication by an external source, whether it be for commercial or non-profit use. In addition, costs incurred for photographing an artwork are passed on to the requestor.

d. COPYRIGHT

The PMA's policy must reflect the inherent balance in copyright law and policy in the United States. Under the 1976 Copyright Act, copyright protection is available for "original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device." This legislation, in concert with the Digital Millennium Copyright Act of 1998, begins at the moment that the artwork is created and regardless of whether an image of it has been published.

Thus, it is understood that the PMA does not own the copyright, trademark, or related interests to most of the collection. Permission for reproduction can only be granted to the extent of the PMA's ownership of the rights relating to the request. The applicant has the final responsibility of determining whether any such rights exist and for obtaining all other necessary permissions and shall be apprised of the PMA's policy and limitations thereof.

XII. EXHIBITIONS

a. OBJECTIVES

Exhibitions are a primary activity of the PMA. The PMA will therefore strive to present annually an exciting, balanced program of special exhibitions that serve diverse audiences. The PMA's exhibition program will also be used as a vehicle for improving perception and awareness of the Portland Museum of Art locally, regionally, and nationally.

It is recognized that exhibitions should serve three important functions:

1. The elucidation of objects and their context.
2. The development of the collection through related gifts and purchases.
3. The development of new audiences.

b. RESPONSIBILITIES

The Chief Curator has direct responsibility for the exhibition schedule and exhibition production including budget preparation and expenditures. The Chief Curator supervises related staff and maintains appropriate exhibition files.

In order to safeguard the collection and loan objects on exhibition, the following activities are prohibited from all public PMA spaces: carrying and transport by the public of packages, oversized camera bags, umbrellas, coats and bags other than personal handbags; smoking, eating, and drinking; writing and sketching with other than a pencil. For the specific sketching policy see Appendix C.

Members of the public are expected to conduct themselves in a manner appropriate to the nature and objectives of the institution.

Non-commercial photography is permitted in the PMA with the following restrictions: 1) no tripod; 2) no flash of any kind; 3) no photography of works that are designated no-photo. Other photography, such as promotional or specialized research, must be cleared with the registration staff or the Chief Curator.

XIII. SALE POLICY FOR WORKS OF ART ON LOAN/EXHIBIT

In the pursuit of its objectives, the PMA recognizes that an object lent to the PMA may be available for sale by the artist or a third party.

For such objects on exhibition, the PMA will serve only to provide information about the artist and dealers to the intended purchaser. The PMA will not

conduct a sale, nor accept any commission on the sale of an object on exhibition. The PMA will not be responsible for documentation of authenticity or of copyright status. The object must remain at the PMA under the full term of the loan agreement as a condition of sale, as noted on the loan agreement.

While objects lent to the collection and objects on temporary deposit status may be available for sale, the PMA should avoid serving any intermediary role in the sale of such objects. The PMA will encourage lenders to remove from the premises such objects which are actively considered for purchase by a third party.

XIV. DEACCESSIONING

a. PURPOSE

The deaccessioning process should be used with utmost care since it is philosophically in direct opposition to the primary collecting objective of the PMA. As an accredited institution, all best practices promulgated by the American Association of Museums must be adhered to when deaccessioning. Furthermore, while deaccessioning is prudent collection management, it needs to be undertaken with 1) regard to the PMA's mission; 2) the same rigor and careful thought as acquisitions; and 3) not as a response to the exigencies of the moment. Each deaccessioning action is individual and must involve thorough research in all matters of aesthetics, object history, collection history, and accession history (i.e. evaluation of any restrictions). All deaccessioning and disposal must comply with all applicable federal, state, and local laws in force at the time, and must respect any terms and obligations which pertained to the acquisition of the work by the PMA. No action pertaining to deaccessioning and disposal should be undertaken which would impair the integrity and good standing of the institution within its community at large and within the profession. Records of the deaccessioning procedure, including pertinent minutes of the Collection Committee and the Board of Trustees meeting, appraisal information, photographs, and final disposition will be maintained in the registration staff.

b. CRITERIA

These are the reasons why deaccessioning and disposal might be contemplated:

1. The object has proven to be no longer relevant and useful to the collection, exhibition, and objectives of the PMA.
2. The object is not compatible with the stated goals of the collection and may be disposed of to strengthen an area of the collection that will further these goals.
3. The object has proven to be beyond the PMA's ability to preserve it properly.
4. The object is redundant of another object in the collection.
5. The PMA does not hold legitimate title to the work (i.e., the work may have been stolen or illegally exported or imported in violation of applicable federal, state and local laws).
6. The authenticity, attribution or genuineness of the object is determined to be false or fraudulent and the object lacks sufficient aesthetic merit or art historical importance to warrant retention.

c. ACTION

Collection objects that have been successfully evaluated by the above criteria shall be recommended for deaccessioning by the Chief Curator to the Director in writing. The works in question will appear on the agenda of the Collection Committee and every effort will be made to have the actual object available at the appropriate meetings of the Collection Committee and the Board of Trustees. The following material should accompany any recommendation for deaccessioning:

1. reason for the proposed deaccessioning;
2. documentation of restrictions, if any, as recorded on the Statement of Gift or related documents;

3. assessment of current market value by an independent third-party reviewer unless such assessment is waived by the Collection Committee;
4. a recommendation for the procedure to be used for disposal of the object;
5. legal opinion when clear title to the object is in doubt;
6. legal opinion in the event of an apparent abandoned loan or deposit; legal counsel will be sought;
7. a statement of any special considerations that may apply in the case of work(s) by living artists;
8. thorough documentation of the object for the permanent files of the PMA.

The PMA will make its best-faith effort to prevent deaccessioning within two years following an acquisition.

The Collection Committee reviews and votes on the deaccessioning recommendation at two meetings, makes the Committee's recommendation in writing to the Board. The Board shall vote on all deaccessioning matters and present a decision after a vote.

d. EXCHANGES

Under exceptional circumstances, the Chief Curator, in consultation with the Director, may recommend exchanging items in the PMA collection with a dealer, a nonprofit organization, or an artist. Exchanges may be made only to acquire works of art and must be made in accordance with the requirements of the Collection Management Policy and deaccessioning policy procedures. Consistent with other deaccessioning acts, exchanges shall be subject to approval by the Collection Committee and the Board.

e. DISPOSAL

It is the Chief Curator or registration staff's responsibility to arrange for the disposal of an object that has been approved for deaccessioning. An emphasis should be placed on exchange with another public charity or sale at public auction. The primary objective in deaccessioning shall be to derive maximum benefit either through exchange with a "501(c)(3)" institution or the best possible revenue from the sale of the object.

There shall be no direct sales to private individuals.

In the case of a gift, the Chief Curator or registration staff must seek with reasonable diligence to notify the donor of the Committee's approval to deaccession.

f. BENEFITS

Consistent with the policies of the American Alliance of Museums (AAM) and the Association of Art Museum Directors (AAMD), all benefits from the deaccessioning procedure whether by exchange of object(s) or sale shall be reapplied exclusively to the acquisition of works of art or for direct care of works of art (see Appendix F). All objects acquired in this manner should acknowledge the original donor or source as appropriate.

XV. APPENDICES

a. Appendix A - Forms

- i. Incoming Receipt
- ii. Outgoing Receipt
- iii. Statement of Gift
- iv. Warranty Bill of Sale

- b. Appendix B - Osher Art Study Room Guidelines
- c. Appendix C - Sketching Policy for Galleries
- d. Appendix D - Institutional Code of Ethics and Guidelines for Professional Practice
- e. Appendix E - Image Request Fee Sheet
- f. Appendix F - Direct Care Addendum