

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 222

H. P. 171

House of Representatives, January 30, 1979

On Motion of Mr. Connolly of Portland referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Mitchell of Vassalboro.

Cosponsors: Mr. Garsoe of Cumberland, Mrs. Masterton of Cape Elizabeth and Mr. Wood of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

AN ACT to Provide for Art in Public Buildings and Other Facilities.

Be it enacted by the People of the State of Maine, as follows:

27 MRSA c. 16 is enacted to read:

CHAPTER 16

THE PERCENT FOR ART ACT

§ 451. Purpose

Recognizing the need to enhance culture and the arts and to encourage the development of artists, it is the intent of the Legislature to establish a program to provide funds for and authorize the acquisition of works of art for certain public buildings and other facilities.

§ 452. Definitions

Unless the context specifically indicates otherwise, as used in this chapter the following words shall have the following meanings.

1. Architect. "Architect" means the person or firm retained by the contracting agency to design the project to which the 1% provision of this chapter applies.

2. **Artist.** “Artist” means a practitioner in the visual arts, generally recognized by critics and his peers as a professional who produces works of art and who is not the architect or a member of the architectural firm retained by the contracting agency.

3. **Commission.** “Commission” means the Maine State Commission on the Arts and the Humanities.

4. **Contracting agency.** “Contracting agency” means the administrative unit of State Government to which funds have been appropriated for the construction or renovation of any public building or other public facilities. In the case of school construction, the contracting agency shall be the board of school directors of the local administrative unit.

5. **Public building or public facility.** “Public building” or “public facility” means any building or facility, excluding highways, sheds, warehouses or other buildings of a temporary nature, which are to be constructed or renovated in part or totally with funds from any source appropriated by the Legislature.

6. **Works of art.** “Works of art” means any of the following original creations of visual art:

A. **Sculpture:** Including in the round, bas-relief, high relief, mobil, fountain, kinetic, electronic, in any material or combination of materials;

B. **Painting:** All media, including portable and permanently affixed works, such as murals;

C. **Graphic arts:** Printmaking and drawing;

D. **Mosaics;**

E. **Photography;**

F. **Crafts:** In clay, fiber and textiles, wood, metal, plastics and other materials;

G. **Calligraphy;** and

H. **Mixed media:** Any combination of forms or media, including collage.

#### § 453. Expenditure for art

Any contracting agency shall expend, as a nondeductible item, out of any moneys appropriated for the original construction of any public building or facility or for any renovation, exceeding \$50,000, of any public building or facility, an amount of 1% of the appropriation for the purpose of acquiring works of art. These works of art may be included as an integral part of the structure of the public building or facility or may be attached to the structure, or may be detached within or outside of the structure.

#### § 454. Contracts for works of art

For purposes of this chapter, expenditures for works of art shall be contracted for separately from all other items in any original construction or any renovation exceeding \$50,000, of any public building or facility. Contracts shall be made according to the provisions of section 459.

**§ 455. Establishment of fund**

There is established a fund for the acquisition of works of art which shall be a nonlapsing revolving fund to be used by the commission to carry out the purposes of this chapter.

**§ 456. Determination of amount for acquisition of art**

The commission shall determine, in consultation with the contracting agency, the amount to be made available for the purchase of art for each public building or facility.

**§ 457. Payment to the fund**

Within 30 days following the determination as provided in section 456, the contracting agency shall pay the amount determined to the fund for the acquisition of works of art. In the case of the construction or renovation of school buildings or facilities and buildings or facilities at public post-secondary educational institutions, the amount shall be retained by the local administrative unit or the governing board of the institution, respectively.

**§ 458. Duties of the contracting agency**

Upon selection of an architect for any project, the contracting agency shall:

1. **Notify.** Notify the architect of the provisions of this chapter;
2. **Commission.** Notify the commission of the selection of the architect and the details of the project; and
3. **Consultation.** Consult with the commission about the amount to be expended for works of art.

**§ 459. Duties of the commission**

The commission shall consult with the architect about any administrative costs or design services which may be required in connection with the selection of works of art and shall contract with the architect for any such services.

In addition, the commission shall select the artist, review the design, execution and placement and decide on the acceptance of any works of art which are or are intended to be acquired under this chapter.

**§ 460. Exceptions**

In the case of the construction or renovation of school buildings and buildings or other facilities at public post-secondary educational institutions, the commission's responsibilities, as described in this chapter, shall be carried out by

the board of school directors of the local administrative unit or the governing board of the institution, respectively.

**§ 461. Rules and regulations**

The commission shall establish rules and regulations to carry out the purposes of this chapter. These rules and regulations shall include, but not be limited to, the following:

1. **Selection.** Procedures for the selection of artists and works of art;
2. **Standards.** Standards for the artists and works of art which may be eligible for selection; and
3. **Contract procedures.** Procedures for contracting with artists for works of art and with architects for services relating to the planning for the acquisition of works of art.

**§ 462. Administrative costs**

Any administrative costs to the contracting agency, the commission or the architect which are associated with the acquisition of works of art shall be included as part of the 1% of the appropriation provided.

**§ 463. Unexpended money**

In the event that the entire 1% is not expended on any specific project, the commission is authorized to expend the unused portion on other works of art for the same contracting agency.

**STATEMENT OF FACT**

The purpose of this bill is to enact a "Percent for Art" program in which 1% of the moneys appropriated for construction or major renovation of certain public buildings and other facilities is required to be expended for works of art for that building or facility.

The Maine State Commission on the Arts and the Humanities is directed to administer the program by selecting artists and works of art and coordinating the program with the architect and the agency contracting for the projects. For projects such as school construction or construction of any facilities at the state's public post-secondary education institutions, the role of the commission is carried out by the local school board or the governing body of the institution, respectively.