

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1359

6
7 H.P. 1034

House of Representatives, March 29, 1983

8 Referred to the Committee on Judiciary. Sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

Cosponsors: Representative Masterton of Cape Elizabeth, Representative
11 Cote of Auburn and Senator Wood of York.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Protect Works of Art.
18

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

21 27 MRSA §303 is enacted to read:

22 §303. Preservation of works of art

23 1. Definition. As used in this section, "fine
24 art" means an original painting, sculpture or drawing
25 of recognized quality, but does not include work pre-
26 pared under contract for commercial use by its pur-
27 chaser.

28 2. Mutilation, alteration or destruction of a
29 work. No person, except an artist who owns and pos-
30 sesses a work of fine art which the artist has cre-
31 ated, may intentionally commit, or authorize the
32 intentional commission of, any physical defacement,

1 mutilation, alteration or destruction of a work of
2 fine art.

3 3. Remedies. To effectuate the rights created
4 by this section, the artist or a member of the public
5 may commence an action to recover or obtain any of
6 the following:

7 A. Injunctive relief;

8 B. Actual damages;

9 C. Punitive damages. In the event that punitive
10 damages are awarded, the court shall, in its dis-
11 cretion, select an organization or organizations
12 engaged in charitable or educational activities
13 involving the fine arts of this State to receive
14 such damages;

15 D. Reasonable attorney's and expert witness
16 fees; and

17 E. Any other relief which the court deems
18 proper.

19 STATEMENT OF FACT

20 This bill provides artists with a right of action
21 for injunctive relief or damages, or both, to protect
22 and preserve works of art.

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