

# MAINE STATE LEGISLATURE

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L.D. 1145  
(Filing No. S-245 )

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STATE OF MAINE  
SENATE  
112TH LEGISLATURE  
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT " A " to S.P. 415, L.D.  
1145, Bill, "AN ACT to Protect Works of Art."

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Amend the bill in that part designated "§303." in subsection 3, in the 5th line (page 2, line 30 in L.D.) by striking out the underlined word "includes" and inserting in its place the underlined word 'is'

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Further amend the bill in that part designated "§303." in subsection 3, in the 8th line (page 2, line 33 in L.D.) by striking out the underlined word "includes" and inserting in its place the underlined word 'is'

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Further amend the bill in that part designated "§303." in subsection 4, in the 7th line from the end (page 3, line 18 in L.D.) by inserting after the underlined word "be" the underlined word 'grossly'

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Further amend the bill in that part designated "§303." by striking out all of subsection 5 (page 3, lines 25 to 29 in L.D.) and inserting in its place the following:

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'5. Relief. An artist aggrieved under subsection 2 or 3 or his personal representative shall have a cause of action for legal relief and injunctive relief as described in subsection 3. No action may be maintained to enforce any liability under this section unless brought within 3 years of the act complained of or one year after the artist or his personal representative discovered or reasonably should have discovered the act, whichever is longer.'

COMMITTEE AMENDMENT "A " to S.P. 415, L.D. 1145

1 STATEMENT OF FACT

2 This amendment does 4 things.

3 1. It permits the personal representative of the  
4 artist to bring a court action seeking the relief  
5 provided by the bill. In this way, protection of an  
6 artist's work and reputation may, in an appropriate  
7 case, be sought by someone representing the artist  
8 when the artist is deceased or incapacitated.

9 2. It makes it clear that the type of injunctive  
10 relief available under the bill is limited to a court  
11 order requiring the artist's name to appear on or in  
12 connection with the art work, or a court order re-  
13 quiring that the artist's name not appear on or in  
14 connection with the art work.

15 3. It adds that the court action under the bill  
16 must be brought within 3 years of the act complained  
17 of or within one year after the artist discovered or  
18 reasonably should have discovered the act complained  
19 of, whichever period of time provides the longer time  
20 in which to bring the action.

21 4. It provides that conservation work done on a  
22 work of art may not be deemed an alteration, deface-  
23 ment, mutilation or modification unless the conserva-  
24 tion work was done in a grossly negligent manner.

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Reported by the Majority for the Committee on Judiciary.

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(6/10/85)

(Filing No. S-245)