

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 668

H.P. 498 House of Representatives, March 6, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative COTE of Auburn.

Cosponsored by Senator PERKINS of Hancock,
Representatives DIAMOND of Bangor and PINES of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Revise the Percent for Art Act in
2 Public Buildings.
3

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

6 Sec. 1. 27 MRSA §451, as enacted by PL 1979, c.
7 525, is amended to read:

8 §451. Purpose

9 Recognizing the need to enhance culture and the
10 arts and to encourage the development of artists, it
11 is the intent of the Legislature to establish a pro-
12 gram to provide funds for and authorize the acqui-
13 sition of works of art for certain public buildings and
14 ~~ethe~~ public facilities.

1 Sec. 2. 27 MRSA §452, sub-§3-A is enacted to
2 read:

3 3-A. Construction. "Construction" means the
4 construction or renovation of a public building or
5 public facility, the cost of which is at least
6 \$100,000, but does not include repairs or minor al-
7 terations. In their rulemaking and decisions regard-
8 ing construction projects governed by this Act, the
9 commission shall be guided by the determinations of
10 the Director of the Bureau of Public Improvements.

11 Sec. 3. 27 MRSA §452, sub-§4, ¶A, as enacted by
12 PL 1979, c. 525, is amended to read:

13 A. "Contracting agency" means the agency of
14 State Government to which funds have been appro-
15 priated or allocated by the Legislature for the
16 construction of any public building or other pub-
17 lic facility. In the case of school construction
18 projects, the contracting agency shall be the
19 governance body of the ~~local~~ school administra-
20 tive unit.

21 Sec. 4. 27 MRSA §452, sub-§5, as enacted by PL
22 1979, c. 525, is repealed and the following enacted
23 in its place:

24 5. Public building or public facility. "Public
25 building" or "public facility" means any building or
26 facility which is to be constructed in part or total-
27 ly with funds from any source appropriated or allo-
28 cated by the Legislature, including any school con-
29 struction project approved for state funding by the
30 State Board of Education, and which is intended for
31 the use of the general public.

32 A. If only part or parts of the building or fa-
33 cility are for the use of the public, "public
34 building" or "public facility" includes only that
35 part or those parts designed for the use of the
36 public. The method of cost allocation to the
37 identifiable part or parts shall be determined by
38 a generally accepted method of cost allocation,
39 provided that the allocated cost for that part or
40 those parts shall exceed \$100,000.

1 B. "Public building" or "public facility" does not
2 include highways, sheds, warehouses, buildings of
3 a temporary nature.

4 C. A school construction project or any building
5 or facility which is part of the project is sub-
6 ject to this Act only upon the affirmative vote
7 of the school board of the school administrative
8 unit.

9 Sec. 5. 27 MRSA §452, sub-§5-A is enacted to
10 read:

11 5-A. School construction project. "School con-
12 struction project" means a project as defined in Ti-
13 tle 20-A, section 15901, subsection 4.

14 Sec. 6. 27 MRSA §452, sub-§6, as enacted by PL
15 1979, c. 525, is amended to read:

16 6. Works of art. "Works of art" mean any of the
17 following original creations of visual art:

18 A. Sculpture, including in the round,
19 bas-relief, high relief, mobile fountain, kinetic,
20 electronic, in any material or combination of ma-
21 terials;

22 B. Painting, all media including portable and
23 permanently affixed works such as murals;

24 C. Graphic arts, printmaking and drawing;

25 D. Mosaics;

26 E. Photography;

27 F. Crafts in clay, fiber and textiles, wood,
28 metal, plastics and other materials; and

29 G. Calligraphy; and

30 H. Mixed media, any combination of forms or me-
31 dia, including collage.

32 Sec. 7. 27 MRSA §453, sub-§1, as enacted by PL
33 1979, c. 525, is repealed and the following enacted
34 in its place:

1 1. Amount; gifts and donations. Any contracting
2 agency, except a school administrative unit, shall
3 expend out of any money appropriated or allocated by
4 the Legislature for the construction of any public
5 building or facility a minimum amount of 1% of the
6 construction of the appropriation or allocation, for
7 the purpose of acquiring, transporting and installing
8 works of art. School units which have decided to
9 participate in the Percent for Art Program shall ex-
10 pend a minimum amount of 1% of the cost of the eligi-
11 ble school construction project or of any building or
12 facility which is part of an eligible project or
13 \$25,000, whichever is less.

14 Donations and gifts to the contracting agency may be
15 used to offset the minimum amount identified in this
16 subsection. The value of works of art received as a
17 donation or a gift shall be determined by the commis-
18 sion.

19 Sec. 8. 27 MRSA §458, sub-§§2 and 3, as enacted
20 by PL 1979, c. 525, are amended to read:

21 2. Standards. Standards for the artist and works
22 of art which may be eligible for selection; and

23 3. Contract procedures. Procedures for contract-
24 ing with artists for works of art and with architects
25 for services relating to the planning for the acqui-
26 sition of works of art; and

27 Sec. 9. 27 MRSA §458, sub-§4 is enacted to read:

28 4. Administrative costs. Administrative costs
29 associated with the acquisition of works of art which
30 are eligible to be included as part of the amount al-
31 located in section 453, subsection 1.

32 Sec. 10. 27 MRSA §459, as enacted by PL 1979, c.
33 525, is amended to read:

34 §459. Administrative costs

35 Any Eligible administrative costs incurred by the
36 contracting agency or the architect which are associ-
37 ated with the acquisition of works of art shall be
38 included as part of the amount allocated to section
39 453, subsection 1, for works of art.

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STATEMENT OF FACT

2 This bill clarifies that the Percent for Art Act
3 applies to public buildings and facilities which re-
4 ceive substantial renovations as well as to new
5 buildings.

6 In both rulemaking and individual interpreta-
7 tions, the commission will be guided by the Bureau of
8 Public Improvements which distinguishes between "cap-
9 ital improvements" and minor alterations and repair
10 projects.

11 The bill keeps the option of the Percent for Art
12 Act for school administrative units, but changes the
13 procedure to allow an affirmative vote to "opt in" to
14 the process rather than a negative vote to "opt out"
15 of the process. Also, where a school construction
16 project includes more than one building, the school
17 unit may "opt in" for only a part of the project.
18 This is seen as an incentive to school units to par-
19 ticipate in the Percent for Art process.

20 Section 7 removes the present ceiling of \$25,000
21 on money which can be spent for art, with the excep-
22 tion of school construction where the \$25,000 limit
23 remains.

24 Sections 8, 9 and 10 clarify the commission's au-
25 thority to issue rules pertaining to those adminis-
26 trative costs which are eligible to be included as
27 expenditures under the Percent for Art Program. This
28 will not substantially change present practice.

29 Other changes are of a technical nature for cor-
30 rect terminology and format.

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