

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 197

H.P. 145

House of Representatives, February 15, 1989

Reference to the Committee on Business Legislation suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative CASHMAN of Old Town.  
Cosponsored by Representative ALLEN of Washington.

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STATE OF MAINE

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

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An Act Concerning the Retail Sale of Nonoriginal Paintings.

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(EMERGENCY)



1       **Emergency preamble.** Whereas, Acts of the Legislature do not  
3       become effective until 90 days after adjournment unless enacted  
      as emergencies; and

5       Whereas, this legislation is necessary to expose deceptive  
7       practices among certain foreign painters in time for summer art  
      shows and to minimize the present disadvantage to Maine's  
      artists; and

9       Whereas, in the judgment of the Legislature, these facts  
11       create an emergency within the meaning of the Constitution of  
13       Maine and require the following legislation as immediately  
      necessary for the preservation of the public peace, health and  
      safety; now, therefore,

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

17       27 MRSA §304 is enacted to read:

19       §304. Nonoriginal paintings

21       1. Definitions. As used in this section, unless the  
23       context otherwise indicates, the following terms have the  
25       following meanings.

27       A. "Artist" means the creator of an original painting.

29       B. "Original painting" means a painting in any medium which  
31       has been independently created, executed and signed by the  
      individual artist.

33       C. "Person" means any natural person, sole proprietorship,  
35       firm, corporation, partnership, joint venture or other  
      association or group, however organized, engaged in the  
      manufacture or sale of paintings.

37       D. "Place of origin" means a foreign country or territory  
39       or, in the case of the United States, the state,  
41       commonwealth or other territory and municipality, city or  
      other political subdivision in which the painting was  
      created and executed.

43       2. Sale or possession of nonoriginal paintings prohibited.  
45       No person may sell, offer or expose for sale or have in that  
47       person's possession with the intent to sell any painting that is  
      not an original painting, unless the painting has been labeled in  
      accordance with subsection 3.

49       3. Labeling. Labeling of nonoriginal paintings shall be  
51       made as follows:

1       A. All nonoriginal paintings shall be plainly and clearly  
3       labeled "NOT AN ORIGINAL" and "PLACE OF ORIGIN: ".  
5       The seller of the painting shall state the geographical  
7       location of origin.

9       B. All labels shall be securely attached to all nonoriginal  
11       paintings. The labels shall be in such a position that they  
13       may be conveniently examined.

15       4. Advertisement. No person may advertise for sale any  
17       nonoriginal painting unless the advertisement contains the words  
19       "NOT AN ORIGINAL" and the place of origin of the painting. This  
21       subsection does not apply to a person owning or publishing a  
23       newspaper, owning or operating a radio or television station or  
25       furnishing an advertising medium for the sale of nonoriginal  
27       paintings.

29       5. Violation. Any person who violates the provisions of  
31       this section commits a civil violation for which a forfeiture not  
33       to exceed \$100 may be adjudged.

Emergency clause. In view of the emergency cited in the  
preamble, this Act shall take effect when approved.

## STATEMENT OF FACT

      This bill requires that paintings that have not been  
independently created, executed and signed by the individual  
artist be labeled clearly to show the place of origin of that  
painting and to state that the painting is not an original.