# MAINE STATE LEGISLATURE

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## 114th MAINE LEGISLATURE

### SECOND REGULAR SESSION - 1990

### Legislative Document

No. 2142

S.P. 834

In Senate, January 5, 1990

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

Reference to the Committee on Education suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator GILL of Cumberland.

Cosponsored by Senator BOST of Penobscot, Representative FOSTER of Ellsworth and Representative PARADIS of Frenchville.

#### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Amend and Reauthorize the Percent for Art Act.



2	Be it enacted by the People of the State of Maine as follows:
2 4	Sec. 1. 27 MRSA §451 as amended by PL 1987, c. 469, §§1 and 11, is further amended to read:
6	§451. Purpose
8	Recognizing the need to enhance culture and the arts and to encourage the development of artists, it is the intent of the
10	Legislature to establish a-program the Percent for Art Program to provide funds for and authorize the acquisition of works of art
12	for certain public buildings and public facilities.
14	Sec. 2. 27 MRSA $\$452$ , sub- $\$2$ , as enacted by PL 1979, c. 525, is amended to read:
16	2. Artist. "Artist" means a practitioner in the visual
18	arts, generally recognized as a professional by critics and his peers as-a-prefessional, who produces works of art and who is not
20	the architect or a-member an employee of the architectual firm retained by the contracting agency.
22	Sec. 3. 27 MRSA §452, sub-§6, as amended by PL 1987, c. 469,
24	\$\\$6, 11, is further amended to read:
26	6. Works of art. "Works of art" mean means any of the following original creations of visual art:
28	A. Sculpture in any material or combination of materials;
30	B. Painting;
32	
34	C. Graphic arts, printmaking and drawing;
36	E. Photography, video or electronic media;
38	F. Crafts in clay, fiber and textiles, wood, metal, plastics and other materials; and
40	H. Mixed or conceptual media, or any combination of forms or media, including collage.
42	Sec. 4. 27 MRSA §453, sub-§1, as repealed and replaced by PL
44	1987, c. 469, §§7 and 11, is amended to read:
46	<ol> <li>Amount; gifts and donations. Any contracting agency, except a school administrative unit, shall expend out of any</li> </ol>

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2	amount of 1% of the cost of the eligible school construction project or of any building or facility which that is part of an
4	eligible project or $$25,000$ $$40,000$ , whichever is less.
6	Donations and gifts to the contracting agency may be used to offset the minimum amount identified in this subsection. The
8	value of works of art received as a donation or a gift shall be determined by the commission.
10	
12	Sec. 5. 27 MRSA $\S455$ , as enacted by PL 1979, c. 525, is amended to read:
14	§455. Determination of amount for acquisition of art
16	The commission <u>, in consultation with the Bureau of Public</u> <u>Improvements, the Bureau of School Management, the Office of</u>
18	Facilities within the University of Maine System or the Maine Technical College System, whichever has budgetary authority over
20	the project, shall determine, in consultation with the centracting - agency, the minimum amount to be made available for
22	the purchase of art for each public building or facility.
24	Sec. 6. 27 MRSA §457, as enacted by PL 1979, c. 525, is
26	repealed and the following enacted in its place:  §457. Duties of commission
28	
30	The commission shall:
32	1. Consult. Consult with the architect and contracting agency about any administrative costs or design services required
34	in connection with the selection of works of art;
	2. Procedures for participation of architect. Advise the
36	Bureau of Public Improvements, the Bureau of School Management, the Office of Facilities within the University of Maine System
38	and the Maine Technical College System concerning procedures for
40	participation and compensation of the architect in connection with the acquisition of works of art under this chapter;
42	3. Contracting agency. Advise the contracting agency;
44	4. Selection. Approve the process used by the contracting
	agency in selection of the artist or works of art. If the
46	commission does not approve the process used to select the artist or works of art, then the contracting agency shall use another
48	selection process in accordance with the procedure authorized in section 456, subsection 4;

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placement and acceptance of any works of art that are, or are intended to be, acquired under this chapter; and  6. Standards for maintenance. Adopt standards for the maintenance, conservation, relocation and transfer of ownership of works of art acquired under this chapter.  Sec. 7. 27 MRSA \$458, sub-\$2-A is enacted to read:  2-A. Maintenance. Standards for the maintenance. conservation, relocation and transfer of ownership of works of art acquired under this chapter;  Sec. 8. 27 MRSA \$458, sub-\$3, as amended by PL 1987, c. 469, \$8 and 11, is further amended to read:  3. Contract procedures. Procedures for contracting with artists for works of art and—with—aschitects—fer—services relating—to—the—planning—fer—the—acquisition—of—werks—ef—art; and  Sec. 9. 27 MRSA \$459, as amended by PL 1987, c. 469, \$\$10 and 11, is further amended to read:  \$459. Administrative costs  Eligible administrative costs incurred by the contracting agency es—the—aschitect—which that are associated with the acquisition of works of art shall be included as part of the amount allocated to section 453, subsection 1, for works of art.  Sec. 10. PL 1987, c. 469, \$11 is repealed.  **STATEMENT OF FACT**  The Percent for Art Program was created by the 109th Legislature and amended with a sunset clause in 1987. This bill repeals the sunset provision and amends sections of the law.		<ol><li>Acquisition of art. Review the design, execution,</li></ol>
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Legislature and amended with a sunset clause in 1987. This bill repeals the sunset provision and amends sections of the law.		The Percent for Art Program was created by the 109th
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		<del>-</del>
40	40	Table 1 and