

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2142

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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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

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.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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

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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 professional~~, who produces works of art and who is not  
20       the architect or ~~a member~~ an employee of the architectural 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       C. Graphic arts, printmaking and drawing;  
34       E. Photography, video or electronic media;  
36       F. Crafts in clay, fiber and textiles, wood, metal, plastics and other materials; and  
38       H. Mixed or conceptual media, or any combination of forms or media, including collage.

40       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       1. Amount; gifts and donations. Any contracting agency, except a school administrative unit, shall expend out of any  
48       money appropriated or allocated by the Legislature for the construction of any public building or facility a minimum amount  
50       of 1% of the construction portion of the appropriation or allocation, for the purpose of acquiring, transporting and  
52       installing works of art. School units which have decided to

2 participate in the Percent for Art Program shall expend a minimum  
amount of 1% of the cost of the eligible school construction  
4 project or of any building or facility ~~which~~ that is part of an  
eligible project or \$25,000 \$40,000, whichever is less.

6 Donations and gifts to the contracting agency may be used to  
8 offset the minimum amount identified in this subsection. The  
value of works of art received as a donation or a gift shall be  
determined by the commission.

10  
12 **Sec. 5. 27 MRSA §455**, as enacted by PL 1979, c. 525, is  
amended to read:

14 **§455. Determination of amount for acquisition of art**

16 The commission, in consultation with the Bureau of Public  
18 Improvements, the Bureau of School Management, the Office of  
Facilities within the University of Maine System or the Maine  
20 Technical College System, whichever has budgetary authority over  
22 the project, shall determine, ~~---in---consultation---with---the~~  
contracting-agency, the minimum amount to be made available for  
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:

28 **§457. Duties of commission**

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;

36 **2. Procedures for participation of architect.** Advise the  
Bureau of Public Improvements, the Bureau of School Management,  
38 the Office of Facilities within the University of Maine System  
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;

