

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

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paragraph A, to purchase his CETA time for past creditable service, the employee's CETA prime sponsor shall then pay to the system an amount equal to the employer's contribution, plus regular interest, for the employee's CETA time, using only CETA funds.

3. Employee's contributions. Notwithstanding section 1095, a CETA employee shall not be required to contribute to the system. The employee may contribute during his period of CETA employment, or may defer contributions until his post-CETA employment status is known. If an employee who has not contributed during his CETA employment or who has withdrawn his contributions later elects, under subsection 4, to purchase his CETA time for past creditable service, he shall pay to the system an amount equal to his contributions, plus regular interest, as provided under section 1094, subsection 10.

4. Credit for CETA service. Credit for the period of CETA employment occurring after June 30, 1979, shall be granted to any person who, after June 30, 1979, was a CETA employee; and

A. Within 90 days of termination of CETA employment, became a non-CETA employee of the employer, and within 90 days of becoming such employee, signified in writing to the Maine State Retirement System his intention to purchase CETA time for service credit;

B. Has not received a return of any contributions made pursuant to subsection 3 or has desposited his contributions within 18 months of obtaining non-CETA employment with the employer as provided by subsection 3. Deposit shall be made in accordance with section 1094, subsection 10. In the event any retirement allowance becomes effective before the completion of such deposit, he shall be entitled to credit for that portion of his CETA time which the amount of the deposit actually made bears to the total amount which would have been required to purchase his entire CETA time; and

C. If the employer contribution required by subsection 2 has been paid.

5. Return of contributions. Any CETA employee who contributed during his CETA employment and who does not meet the requirements of subsections 4, paragraph A and paragraph B shall be refunded his employee contributions, plus regular interest, upon written request to the Maine State Retirement System.

Effective September 14, 1979

CHAPTER 525

H. P. 1071 — L. D. 1224

AN ACT to Provide for Art in Public Buildings and Other Facilities.

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

27 MRSA c. 16 is enacted to read:

CHAPTER 16

THE PERCENT FOR ART ACT

§ 451. Purpose

Recognizing the need to enhance culture and the arts and to encourage the development of artists, it is the intent of the Legislature to establish a program to provide funds for and authorize the acquisition of works of art for certain public buildings and other facilities.

§ 452. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings.

1. Architect. "Architect" means the person or firm retained by the contracting agency to design the project to which the 1% provision of this chapter applies.

2. Artist. "Artist" means a practitioner in the visual arts, generally recognized by critics and his peers as a professional, who produces works of art and who is not the architect or a member of the architectural firm retained by the contracting agency.

3. Commission. "Commission" means the Maine State Commission on the Arts and the Humanities.

4. Contracting agency.

A. "Contracting agency" means the agency of State Government to which funds have been appropriated or allocated by the Legislature for the construction of any public building or other public facility. In the case of school construction, the contracting agency shall be the governance body of the local school administrative unit.

B. "Contracting agency" does not include municipalities and special purpose quasi-municipal districts such as, but not limited to, sewer districts and water districts.

5. Public building or public facility.

A. "Public building" or "public facility" means any building or facility which is to be constructed in part or totally with funds from any source appropriated

or allocated by the Legislature and which is intended for the use of the general public.

(1) If only part or parts of the building or facility are for the use of the public, then the terms shall include only that part or those parts designed for the use of the public. The method of cost allocation to the identifiable part or parts shall be determined by a generally accepted method of cost allocation, provided that the allocated cost for that part or those parts shall exceed \$100,000.

B. "Public building" or "public facility" shall also include any new school construction project which has been approved by the State Board of Education after the effective date of this chapter unless the governing body of the school administrative unit where the project has been approved votes to exclude the project from the requirements of this chapter.

C. "Public building" or "public facility" shall not include highways, sheds, warehouses, buildings of a temporary nature and buildings and facilities which cost \$100,000 or less to construct.

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

A. Sculpture, including in the round, bas-relief, high relief, mobil fountain, kinetic, electronic, in any material or combination of materials;

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

C. Graphic arts, printmaking and drawing;

D. Mosaics;

E. Photography;

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

G. Calligraphy; and

H. Mixed media, any combination of forms or media, including collage.

§ 453. Expenditure for and location of art

1. Amount; gifts and donations. Any contracting agency shall expend out of any moneys appropriated or allocated by the Legislature for the original construction of any public building or facility a minimum amount of 1% of the appropriation or allocation, or \$25,000, whichever is less, for the purpose of acquiring, transporting and installing works of art.

A. Donations and gifts to the contracting agency may be used to 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.

2. Location of works of art. Works of art may be included as an integral part of the structure of the building or facility, may be attached to the structure or may be detached within or outside of the structure.

§ 454. Contracts for works of art

For purposes of this chapter, expenditures for works of art shall be contracted for separately from all other items in any original construction of any public building or facility. Contracts shall be made according to section 457.

§ 455. Determination of amount for acquisition of art

The commission 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.

§ 456. Duties of the contracting agency

Upon selection of an architect for any project, the contracting agency shall:

1. Notify. Notify the architect of this chapter;
2. Commission. Notify the commission of the selection of the architect and the details of the project;
3. Consultation. Consult with the commission about the amount to be expended for works of art; and
4. Selection of artist and works of art. Select the artist and the works of art in accordance with the rules established under section 458, and in consultation with the commission.

§ 457. Duties of commission

1. Consultation. The commission shall:

- A. Consult with the architect about any administrative costs or design services which may be required in connection with the selection of works of art; and
- B. Approve the contract between the contracting agency and the architect for any such services.

2. Additional duties. The commission shall:

- A. Advise the contracting agency;
- B. Approve the contracting agency's selection of the artist; if the commission does not approve the artist selected by the contracting agency, then the contracting agency shall select another artist in accordance with the procedure authorized in section 456, subsection 4; and
- C. Review the design, execution and placement and the acceptance of any works of art which are, or are intended to be, acquired under this chapter.

§ 458. Rules and regulations

The commission shall establish rules in accordance with the procedures set forth in the Maine Administrative Procedure Act, Title 5, section 8051, et seq., to carry out the purposes of this chapter. These rules shall include, but not be limited to, the following:

1. Selection. Procedures for the selection of artists and works of art;
2. Standards. Standards for the artist and works of art which may be eligible for selection; and
3. Contract procedures. Procedures for contracting with artists for works of art and with architects for services relating to the planning for the acquisition of works of art.

§ 459. Administrative costs

Any administrative costs incurred by the contracting agency or the architect which 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.

Effective September 14, 1979

CHAPTER 526

H. P. 1171 — L. D. 1454

AN ACT to Encourage the Maine State Museum Commission to Acquire Works of Art Beneficial to the State.

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

Sec. 1. 27 MRSA c. 2, 3rd & 4th lines are enacted to read:

SUBCHAPTER I