

**CHAPTER 15****THE ARTS****SUBCHAPTER 1****MAINE ARTS COMMISSION****§401. Commission**

A state commission, to be known as the "Maine Arts Commission," as established by Title 5, section 12004-G, subsection 7-B, must consist of not more than 15 members, each of whom must have a continuing interest in the fields of art and culture in the State, to be appointed by the Governor from among citizens of Maine. In making such appointments, due consideration must be given to the recommendations made by representative civic, educational and professional associations and groups concerned with or engaged in artistic and cultural fields generally. [PL 2017, c. 180, §1 (AMD).]

**SECTION HISTORY**

PL 1965, c. 499, §1 (NEW). PL 1983, c. 812, §169 (AMD). PL 1985, c. 763, §A81 (AMD). PL 1989, c. 503, §B115 (AMD). RR 2011, c. 2, §34 (COR). PL 2017, c. 180, §1 (AMD).

**§402. Membership**

The term of office of each member shall be 3 years; provided that of the members first appointed, 1/3 shall be appointed for terms of one year, 1/3 for terms of 2 years and 1/3 for terms of 3 years. Other than the chairman, no member of the commission who serves 2 full 3-year terms shall be eligible for reappointment during the one-year period following the expiration of his second such term. The Governor shall designate a chairman and a vice-chairman from the members of the commission, to serve as such at the pleasure of the Governor. The chairman shall be the presiding officer of the commission. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. The members of the commission shall be compensated according to the provisions of Title 5, chapter 379. [PL 1983, c. 812, §170 (AMD).]

**SECTION HISTORY**

PL 1965, c. 499, §1 (NEW). PL 1983, c. 812, §170 (AMD).

**§403. Director****(REPEALED)****SECTION HISTORY**

PL 1965, c. 499, §1 (NEW). PL 1971, c. 610, §17 (RP).

**§403-A. Director of Maine Arts Commission; appointment**

The Director of the Maine Arts Commission must be qualified by training or experience and is appointed by the Maine Arts Commission. The director shall serve at the pleasure of the Maine Arts Commission. The Maine Arts Commission shall fix compensation for the director within salary range 88. [PL 2021, c. 496, §5 (AMD).]

**SECTION HISTORY**

PL 1989, c. 700, §B34 (NEW). PL 1991, c. 528, §E32 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E32 (AMD). PL 2021, c. 496, §5 (AMD).

**§404. Duties**

The duties of the commission shall be: [PL 1965, c. 499, §1 (NEW).]

**1. Encouragement.** To take such steps as may be necessary and appropriate to encourage and stimulate public interest and participation in the cultural heritage and programs of our State and to expand the state's cultural resources; and

[PL 1965, c. 499, §1 (NEW).]

**2. Freedom.** To encourage and assist freedom of artistic expression essential for the well-being of the arts; and

[PL 1965, c. 499, §1 (NEW).]

**3. Surveys.** To make such surveys as may be deemed advisable of public and private institutions engaged within the State in artistic and cultural activities, including, but not limited to, music, theatre, dance, painting, sculpture, architecture, literature, history and allied studies and pursuits, and to make recommendations concerning appropriate methods of encouraging participation in and appreciation of the foregoing to meet the legitimate needs and aspirations of persons in all parts of the State.

[PL 1965, c. 499, §1 (NEW).]

**4. Works of art.** To act in an advisory capacity relative to the creation, acquisition, construction or erection by the State of any work of art, to file with the Governor, within 30 days, its opinion of such proposed work of art together with such suggestions and recommendations as it may deem proper. The term "work of art" as used in this subsection shall include any painting, portrait, mural, decoration, stained glass, statue, tablet, bas-relief, ornament, fountain or other article or structure of a permanent character intended for decoration or commemoration, but shall not include "historical materials" administered by the Maine State Museum Commission nor the State Capitol Building, including its exterior, interior, fixtures or decorations.

[PL 1987, c. 816, Pt. EE, §7 (AMD).]

**SECTION HISTORY**

PL 1965, c. 499, §1 (NEW). PL 1971, c. 485, §2 (AMD). PL 1987, c. 816, §EE7 (AMD).

**§405. Hearings; contracts**

The Maine Arts Commission is authorized and empowered to hold public and private hearings; to enter into contracts, within the limit of funds available, with individuals or organizations and institutions for services furthering the educational objectives of the commission's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the commission's programs; to establish and administer an endowment fund; to accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the commission's mission; to make and sign any agreements; and to do and perform any acts that are necessary to carry out the purposes of this chapter. As determined by the Director of the Maine Arts Commission, with the approval of the commission, the endowment's principal and interest may be used to further the commission's mission, as long as the endowment funds are used only for the purposes for which the endowment is established in accordance with the intent of the donor. The commission may request and receive from any department, division, board, bureau, commission or agency of the State such assistance and data as necessary to carry out its powers and duties. [PL 2015, c. 379, §1 (AMD).]

**SECTION HISTORY**

PL 1965, c. 499, §1 (NEW). PL 1991, c. 622, §V4 (AMD). PL 2013, c. 181, §1 (AMD). PL 2015, c. 379, §1 (AMD).

**§406. Funds**

The commission is the official agency of the State to receive and disburse any funds made available by the Federal Government for programs related to the purposes of the commission. [PL 1965, c. 499, §1 (NEW).]

#### SECTION HISTORY

PL 1965, c. 499, §1 (NEW).

#### **§407. Reports**

**(REPEALED)**

#### SECTION HISTORY

PL 1965, c. 499, §1 (NEW). PL 1973, c. 625, §185 (AMD). PL 1989, c. 700, §B35 (RP).

#### **§408. Maine Student Artist Awards Program**

**(REPEALED)**

#### SECTION HISTORY

PL 1987, c. 801, §1 (NEW). PL 1989, c. 700, §B36 (AMD). PL 2013, c. 181, §2 (RP).

#### **§409. Rules**

The Maine Arts Commission may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this chapter. [PL 1989, c. 33 (NEW).]

#### SECTION HISTORY

PL 1989, c. 33 (NEW).

#### **§410. Arts outreach program**

**(REPEALED)**

#### SECTION HISTORY

PL 1997, c. 532, §1 (NEW). PL 2013, c. 181, §3 (RP).

#### **§410-A. Private support organization**

**1. Designation of private support organization.** The Director of the Maine Arts Commission shall designate a nonprofit organization as the private support organization for the Maine Arts Commission. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the Maine Arts Commission and its programs. [PL 2015, c. 380, §1 (NEW).]

**2. Member on board of directors.** The Director of the Maine Arts Commission, or the director's designee, shall serve as a member of the private support organization's board of directors. [PL 2015, c. 380, §1 (NEW).]

**3. Plan of work.** The Director of the Maine Arts Commission shall negotiate an annual memorandum of understanding between the Maine Arts Commission and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation. [PL 2015, c. 380, §1 (NEW).]

**4. Use of property.** The Director of the Maine Arts Commission may permit the appropriate use of fixed property, equipment and facilities of the Maine Arts Commission by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures. [PL 2015, c. 380, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 380, §1 (NEW).

**SUBCHAPTER 1-A**

**ARTS IN EDUCATION PROGRAM**

**§411. Arts Education Program**

The Maine Arts Commission shall establish the Arts Education Program, referred to in this subchapter as "the program." [PL 2013, c. 181, §4 (AMD).]

SECTION HISTORY

PL 1997, c. 762, §1 (NEW). PL 2013, c. 181, §4 (AMD).

**§412. Duties of the Maine Arts Commission**

The Maine Arts Commission shall provide leadership in developing and sustaining an agenda for arts education throughout the State in partnership with federal, state and local entities. The commission shall lead efforts to make the arts a part of the core education for all students from kindergarten to grade 12 and to increase arts opportunities outside the school setting. The commission shall: [PL 2013, c. 181, §5 (AMD).]

**1. Funding.**

[PL 2013, c. 181, §5 (RP).]

**2. Professional artists.**

[PL 2013, c. 181, §5 (RP).]

**3. School systems.**

[PL 2013, c. 181, §5 (RP).]

**4. Goals.** Work with school systems to identify common education goals;

[PL 1997, c. 762, §1 (NEW).]

**5. Training; information; seed money.**

[PL 2013, c. 181, §5 (RP).]

**6. Curriculum; projects.**

[PL 2013, c. 181, §5 (RP).]

**7. Research.** Conduct research on arts education for elementary and secondary schools; and

[PL 2013, c. 181, §5 (NEW).]

**8. Programs.** Operate arts education and outreach programs to combine the presentation of art with arts education.

[PL 2013, c. 181, §5 (NEW).]

SECTION HISTORY

PL 1997, c. 762, §1 (NEW). PL 2013, c. 181, §5 (AMD).

**§413. Duties of the school district**

Under the program, each participating school district shall: [PL 1997, c. 762, §1 (NEW).]

**1. Committee.** Establish a local arts education committee to develop a 3-year plan to increase arts opportunities in the school district. Members of the committee may include teachers, art teachers, parents, art administrators, school administrators, business people, artists, school board members and students;

[PL 1997, c. 762, §1 (NEW).]

**2. Orientation and training.** Provide for the local arts education committee to participate in orientation and training sessions;

[PL 1997, c. 762, §1 (NEW).]

**3. Plan.** Implement, evaluate and report to the Maine Arts Commission on the plan; and

[PL 1997, c. 762, §1 (NEW).]

**4. Resources.** Allocate Maine Arts Commission resources according to a per-pupil cost formula in the first year of the plan.

[PL 1997, c. 762, §1 (NEW).]

#### SECTION HISTORY

PL 1997, c. 762, §1 (NEW).

## SUBCHAPTER 2

### STATE POET LAUREATE

#### §421. Honorary office created

**1. Appointment.** During Maine Cultural Heritage Week as established in Title 1, section 118, the Governor shall appoint a poet to serve as State Poet Laureate, nominated by an advisory selection committee created in subsection 3-A.

[PL 1999, c. 217, §2 (RPR).]

**2. Term.** The State Poet Laureate is appointed for a 5-year term and may be reappointed for a 2nd term. An individual may serve as State Poet Laureate for no more than 2 consecutive terms, but may be reappointed after a break in service.

[PL 1999, c. 217, §2 (RPR).]

**3. Advisory panel.**

[PL 1999, c. 217, §2 (RP).]

**3-A. Advisory selection committee.** The State Poet Laureate Advisory Selection Committee as established in Title 5, section 12004-I, subsection 5-A, referred to in this subchapter as the "advisory selection committee," is created in accordance with the following provisions.

A. The Maine Arts Commission shall assemble an advisory selection committee of no more than 5 members with expertise in poetry. The Director of the Maine Arts Commission and the Director of the Maine State Library or their delegates shall cochair this advisory selection committee. [PL 1999, c. 217, §2 (NEW).]

B. Five months prior to the expiration of the State Poet Laureate's tenure, the advisory selection committee shall advertise in the appropriate media for nominations of potential candidates. By March 1st of the year in which the term of a poet laureate is due to end, the advisory selection committee shall recommend one name to the Governor for appointment as the State Poet Laureate.

[PL 1999, c. 217, §2 (NEW).]

C. If a vacancy occurs within the term of the State Poet Laureate, the advisory selection committee shall select as soon as possible a nominee for appointment by the Governor to fill the remainder of the term. [PL 1999, c. 217, §2 (NEW).]

D. Members of the advisory selection committee are not entitled to per diem or compensation for expenses. [PL 1999, c. 217, §2 (NEW).]

[PL 1999, c. 217, §2 (NEW).]

**4. Eligibility.** The individual appointed State Poet Laureate must be a poet who is a resident of the State and must have published distinguished poetry.

[PL 1999, c. 217, §2 (RPR).]

**5. Duties.**

[PL 1999, c. 217, §2 (RP).]

**6. Copyright.**

[PL 1999, c. 217, §2 (RP).]

SECTION HISTORY

PL 1995, c. 264, §3 (NEW). PL 1999, c. 217, §2 (RPR).

**§422. Public employment permitted**

Acceptance of the honor of serving as State Poet Laureate does not constitute state employment and does not preclude an individual from election, appointment or service as an employee or official in state or local government. [PL 1995, c. 264, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 264, §3 (NEW).

**§423. Display of work**

Upon the request of a State Poet Laureate, space must be made available at the State House complex for the public display of the State Poet Laureate's work. [PL 1999, c. 217, §3 (NEW).]

SECTION HISTORY

PL 1999, c. 217, §3 (NEW).

**§424. State Poet Laureate Reimbursement Fund**

**1. Fund established.** The State Poet Laureate Reimbursement Fund, referred to in this section as "the fund," is established as a nonlapsing Other Special Revenue Funds account administered by the Maine Arts Commission. The fund consists of gifts, grants or other sources of revenues deposited for the purposes described in subsection 2. The fund must be held separate from all other money, funds and accounts.

[PL 2003, c. 300, §1 (NEW).]

**2. Fund purpose.** The purpose of the fund is to provide funds to nonprofit public agencies and schools in the State to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community. The Maine Arts Commission shall administer the fund and develop guidelines and procedures to make the services of the State Poet Laureate available to any nonprofit public agency and school in the State.

[PL 2003, c. 300, §1 (NEW).]

**3. Application process.** The Maine Arts Commission shall establish an application process for fund requests for the purposes set forth in this section.

[PL 2003, c. 300, §1 (NEW).]

**4. Promotion.** The Maine Arts Commission shall promote the availability of the fund through its various avenues of communication, including its publicly accessible site on the Internet.

[PL 2003, c. 300, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 300, §1 (NEW).

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