

Senator Baldacci, Representative Salisbury, and members of the Committee on State and Local Government, my name is Patrick Corey. I'm a visual artist and resident of Windham, and I am here to testify in strong support of LD 1462, "An Act to Promote Artisans and the Creative Economy."

This bill affirms a core principle of the First Amendment—that freedom of expression does not stop at the edge of the canvas, page, or stage. Whether an artist paints in public, a writer offers their books at a park, or a performer sings on a sidewalk, these are not just transactions. They are expressions of thought, culture, and identity.

LD 1462 recognizes that creative work is not purely commercial in nature. It ensures that municipalities cannot ban the vending of expressive matter in public spaces, while still allowing reasonable, content-neutral time, place, and manner restrictions. This balance protects free speech while giving towns the tools they need to manage their spaces fairly.

This bill is also grounded in well-established constitutional case law. Courts have consistently ruled that selling expressive works—like paintings, photography, books, or prints—is itself a protected activity under the First Amendment. In *Bery v. City of New York*, the court held that "[t]he sale of art in public places is entitled to full First Amendment protection."¹ In *White v. City of Sparks*, the court reaffirmed that "when an individual sells expressive merchandise, the activity is entitled to First Amendment protection," especially when the work is the artist's own.² The expressive act does not lose its protection simply because it's offered for sale.³

LD 1462 also brings clarity to another problem: silence. Many towns have no ordinance that addresses expressive vending. This legal ambiguity can lead to inconsistent treatment—or discourage artists from participating in public life altogether. This bill establishes clear state-level standards that help protect expression, avoid litigation, and support fair enforcement across municipalities.

Finally, this legislation supports Maine's vibrant creative economy. Not every artist has a gallery. Not every writer has a publisher. Public spaces are where many of us connect directly with our communities. LD 1462 affirms that these creative voices have a right to be heard—and seen—in public.

I respectfully urge you to vote ought to pass.

Thank you.

Footnotes

1. *Bery v. City of New York*, 97 F.3d 689, 695 (2d Cir. 1996).
2. *White v. City of Sparks*, 500 F.3d 953, 955 (9th Cir. 2007).
3. *Mastrovincenzo v. City of New York*, 435 F.3d 78, 91 (2d Cir. 2006).