

**§452. Definitions**

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings. [PL 1979, c. 525 (NEW).]

**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.

[PL 1979, c. 525 (NEW).]

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

[PL 1989, c. 912, §2 (AMD).]

**3. Commission.** "Commission" means the Maine Arts Commission.

[PL 1985, c. 763, Pt. A, §82 (AMD).]

**3-A. Construction.** "Construction" means the construction or renovation of a public building or public facility, the cost of which is at least \$100,000, but does not include repairs or minor alterations. In its rulemaking and decisions regarding construction projects governed by this Act, the commission is guided by the determinations of the Director of the Bureau of General Services.

[PL 2011, c. 691, Pt. B, §26 (AMD).]

**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 projects, the contracting agency shall be the governance body of the school administrative unit. [PL 1987, c. 469, §3 (AMD).]

B. "Contracting agency" does not include municipalities and special purpose quasi-municipal districts such as, but not limited to, sewer districts and water districts. [PL 1979, c. 525 (NEW).]  
[PL 1987, c. 469, §3 (AMD).]

**5. Public building or public facility.** "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, including any school construction project approved for state funding by the State Board of Education, and which is intended for the use of the general public.

A. If only part or parts of the building or facility are for the use of the public, "public building" or "public facility" includes 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. [PL 1987, c. 469, §4 (RPR).]

B. "Public building" or "public facility" does not include highways, sheds, warehouses, buildings of a temporary nature. [PL 1987, c. 469, §4 (RPR).]

C. A school construction project or any building or facility which is part of the project is subject to this Act only upon the affirmative vote of the school board of the school administrative unit. [PL 1987, c. 469, §4 (RPR).]  
[PL 1987, c. 469, §4 (RPR).]

**5-A. School construction project.** "School construction project" means a project as defined in Title 20-A, section 15901, subsection 4.

[PL 1987, c. 469, §5 (NEW).]

**6. Works of art.** "Works of art" means any of the following original creations of art:

- A. Sculpture in any material or combination of materials; [PL 1987, c. 469, §6 (AMD).]
- B. Painting; [PL 1987, c. 469, §6 (AMD).]
- C. Graphic arts, printmaking and drawing; [PL 1979, c. 525 (NEW).]
- D. [PL 1987, c. 469, §6 (RP).]
- E. Photography, video or electronic media; [PL 1989, c. 912, §3 (AMD).]
- F. Crafts in clay, fiber and textiles, wood, metal, plastics and other materials; and [PL 1987, c. 469, §6 (AMD).]
- G. [PL 1987, c. 469, §6 (RP).]
- H. Mixed or conceptual media, or any combination of forms or media, including collage. [PL 1989, c. 912, §3 (AMD).]  
[PL 1989, c. 912, §3 (AMD).]

#### SECTION HISTORY

PL 1979, c. 525 (NEW). PL 1985, c. 763, §A82 (AMD). PL 1987, c. 469, §§2-6,11 (AMD). PL 1989, c. 912, §§2,3 (AMD). PL 2011, c. 691, Pt. B, §26 (AMD).

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