CHAPTER 11

ART

§301. Commission

(REPEALED)

SECTION HISTORY

PL 1971, c. 485, §3 (RP).

§302. Powers and duties

(REPEALED)

SECTION HISTORY

PL 1967, c. 458, §2 (AMD). PL 1971, c. 485, §3 (RP).

§303. Preservation of works of art

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Artist" means the creator of the work of fine art. [PL 1985, c. 382 (NEW).]

B. "Conservation" means acts taken to correct deterioration and alteration and acts taken to prevent, stop or retard deterioration. [PL 1985, c. 382 (NEW).]

C. "Reproduction" means a copy, in any medium, of a work of fine art, that is displayed or published under circumstances that, reasonably construed, evinces an intent that it be taken as a representation of a work of fine art as created by the artist. [PL 1985, c. 382 (NEW).]

D. "Work of fine art" means any original work of visual or graphic art of any medium which includes, but is not limited to, painting, drawing, print, photographic print or sculpture of a limited edition of no more than 300 copies. "Work of fine art" does not include sequential imagery, such as that in motion pictures. [PL 1985, c. 382 (NEW).]

[PL 1985, c. 382 (NEW).]

2. Public display; publication and reproduction of works of fine art. Except as provided in subsection 4, no person, other than the artist or a person acting with the artist's consent, may knowingly display in a place accessible to the public or publish a work of fine art of that artist or a reproduction of a work of fine art of that artist in an altered, defaced, mutilated or modified form if the work is displayed, published or reproduced as being the work of the artist or under circumstances under which it would reasonably be regarded as being the work of the artist, and damage to the artist's reputation is reasonably likely to result from the display, publication or reproduction.

[PL 1985, c. 382 (NEW).]

3. Artist's authorship rights. Except as provided in subsection 4, the artist shall retain at all times the right to claim authorship or, for just and valid reason, to disclaim authorship of his work of fine art. The right to claim authorship is the right of the artist to have his name appear on or in connection with the work of fine art as the artist. The right to disclaim authorship is the right of the artist to prevent his name from appearing on or in connection with the work of fine art as the artist. Just and valid reason for disclaiming authorship includes the fact that the work of fine art has been altered, defaced, mutilated or modified other than by the artist, without the artist's consent, and damage to the artist's reputation is reasonably likely to result or has resulted. The rights created in this subsection exist in addition to any other rights available under law.

[PL 1985, c. 382 (NEW).]

4. Limitations of applicability. The following, in and of themselves, do not constitute a violation of subsection 2 or create a right to disclaim authorship pursuant to subsection 3:

A. Alteration, defacement, mutilation or modification of a work of fine art resulting from the passage of time or the inherent nature of the materials, provided that the alteration, defacement, mutilation or modification is not the result of gross negligence in maintaining or protecting the work of fine art; or [PL 1985, c. 382 (NEW).]

B. In the case of a reproduction, a change that is an ordinary result of the medium of reproduction. [PL 1985, c. 382 (NEW).]

Conservation is not an alteration, defacement, mutilation or modification within the meaning of this section, unless the conservation work can be shown to be grossly negligent.

This section does not apply to work prepared under contract for advertising or trade use, unless the contract so provides.

This section only applies to works of fine art knowingly displayed in a place accessible to the public, published or reproduced in this State.
[PL 1985, c. 382 (NEW).]

5. Relief. An artist aggrieved under subsection 2 or 3 or his personal representative shall have a cause of action for legal relief and injunctive relief as described in subsection 3. No action may be maintained to enforce any liability under this section unless brought within 3 years of the act complained of or one year after the artist or his personal representative discovered or reasonably should have discovered the act, whichever is longer.
[PL 1985, c. 382 (NEW).]

SECTION HISTORY

PL 1985, c. 382 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 129th Maine Legislature and is current through October 1, 2020. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.