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The Percent for Art Handbook : A Guide for Selecting Public Art Through Maine's Percent for Art Law

Maine State Commission on the Arts and the Humanities

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*Maine State Commission
on the Arts
and the Humanities*

A GUIDE
FOR SELECTING
PUBLIC ART
THROUGH
MAINE'S
PERCENT FOR ART
LAW

THE
PERCENT
FOR
ART
HANDBOOK

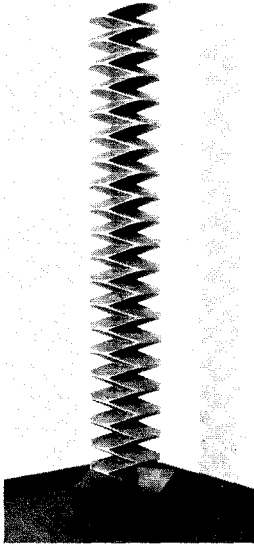
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M35
1984

UNIVERSITY OF
GORHAM
CAMPUS
LIBRARY
SOUTHERN MAINE

UNIVERSITY OF
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GORHAM
CAMPUS
LIBRARY
SOUTHERN MAINE

The "Percent for Art" Act was established in 1979 by the Maine State Legislature to provide funds for the acquisition of works of art for new or renovated public buildings.

N
8842
M2
M35
1984



Gary Ambrose
sculpture
Solon Elementary

The Maine State Commission on the Arts and the Humanities would like to thank the Office of the Attorney General, the Bureau of Public Improvements, the Department of Educational and Cultural Services and the Arts Commission's Advisory Percent for Art Panel for all their help and cooperation in producing this handbook.

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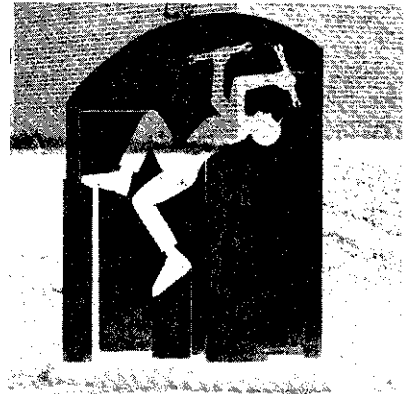
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Rose Marasco
photograph
Harrington Elementary School





Walter Easton
sculpture
NMVTI

Northern Maine Vocational Technical Institute in Presque Isle now has two large scale outdoor sculptures commissioned with funds from their new machine tools building. The Solon Community School has an 8 foot high laminated oak sculpture, a 96 inch semi-cular stained glass window, and a moveable collection of paintings that generated Artist in Residence activity in the school with the artists whose work was purchased. The Poland Community School has a 20 foot historical mural, an 8 foot abstract animal mural and a 5 foot painted wooden panther. These are a few of the projects that have occured since the Maine Legislature joined 24 other states across the country and passed the Percent for Art Act in 1979. As of January 1984, over \$250,000 had been allocated or actually spent for the acquisition of art in 14 communities.

The Maine State Commission on the Arts and the Humanities is the state agency charged with the coordination and implementation of the Percent for Art Program, working with all those involved with the program, including artists, people in the local communities, the project architects and other state agencies.

We have designed this Handbook to be an aid, a workbook, a map for all of us working with Percent for Art projects. We have put together everything we have learned over the past few years, and it is with enthusiasm and optimism that we look forward to the continued realization of public art commissions for new or rennovated state buildings and schools.



Dablov Ipcar
mural
Poland Community School

An Act
To Provide
For Art
In Public Buildings
And Other Facilities

The “Percent for Art” act was established in 1979 by the Maine State Legislature to provide funds for the acquisition of works of art for new or renovated public buildings. Public buildings for example include all state buildings, vocational technical institutes, and public schools. One percent of the total construction budget or \$25,000, whichever is less, is allocated for the purchase of artwork. Not included in the legislation are highways, sheds, warehouses, buildings of a temporary nature, and facilities which cost \$100,000 or less to construct. Public schools participate at their option. A copy of the legislation and guidelines are included in the appendix of this book.

Artwork	<p>“Works of art” mean any of the following original creations of visual art:</p> <p><i>Sculpture</i>, including in-the-round, bas-relief, high relief, mobile, fountain, kinetic, electronic, in any material or combination of materials;</p> <p><i>Painting</i>, all media including portable and permanently affixed works such as murals;</p> <p><i>Graphic arts</i>, printmaking and drawing;</p> <p><i>Mosaics</i>;</p> <p><i>Photography</i>;</p> <p><i>Crafts</i> in clay, fiber and textiles, wood, metal, glass, plastics, and other materials;</p> <p><i>Calligraphy</i>; and</p> <p><i>Mixed media</i>, any combination of forms or media, including collage.</p> <p>Works of any media that are appropriate as art in public places, and are compatible in scale, materials, form and content with the surroundings, will be considered under the Percent for Art law.</p>
Function of Public Art	<p>Art in public places is different than art in museum settings or other contexts. Often the work becomes a focal point in a building, or may change or define a space by its placement, perhaps as a room divider. Even the identity of a place or a building may be established by the art. Artwork may also be participatory, such as a sculpture in a school yard that children may ride on or play with in some way. All of these options should be considered when making selections, but the <i>consideration of highest priority is the quality of the work of art.</i></p>

Public Building

“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.

Public Use If only part or parts of the building or facility are for the use of the public, then the Percent for Art budget shall include only parts designed for the use of the public. The Percent for Art law applies only when the budget for the building or renovation exceeds \$100,000.

Schools “Public building” or “public facility” also includes any new school construction project which has been approved by the State Board of Education, unless the governing body of the school administrative unit where the project has been approved votes not to participate in Percent for Art. The vote not to participate must be taken before concept approval by the State Board.

Funds

Allocation When funds are approved through the legislature for new state buildings or schools, one percent (1%) of those funds, not to exceed \$25,000 is set aside for the commissioning or acquisition of art. The Percent for Art funds may be used for purchase, commission fees, transportation, and installation of the works of art.

Donations The Percent for Art funds for a state building may be replaced by a gift or donation from outside the local agency as long as the selection procedures are followed. (See Selection Procedures, Part III.) The value of any works of art received as a gift or donation will be determined by the Arts Commission, and will adhere to IRS professional appraisal standards.

Administrative Costs Five percent of the original one percent for art budget may be used for administrative costs associated with the project. Travel and expenses for the Advisory Selection Committee is paid, as is travel and honorariums for artists who are finalists. Mailings to artists and state-wide advertisements for a call for artists are included in administrative costs.

Inclusions The Percent for Art budget is spent on the purchase or commissioning of works of art. When work is commissioned, the following are included in the project budget.

1. Artist's fees.
2. Labor of assistants.
3. Materials.
4. Studio and operating costs of the artist, including rent, depreciation utilities, communications, insurance, and other direct and indirect costs.
5. Travel of the artist for site visitation and research.
6. Transportation of the work to the site.
7. Installation of the completed work.
8. Waterworks and electrical and mechanical devices or equipment which are integral parts of the work of art.
9. Frames, mats or pedestals necessary for the proper presentation of the works of art.
10. Other items the Commission approves as appropriate to a particular work of art.

Exclusions Percent for Art funds may not be spent for the following:

1. Reproductions of original art may not be purchased, but this does not mean that limited editions controlled by the artist, or original prints, photographs and cast sculpture may not be considered for purchase.

-
2. Decorative, ornamental or functional elements which are designed by the project architect or anyone engaged by the architectural firm. Other artists may submit proposals for these elements.
 3. Those elements generally considered to be part of the landscape design, such as plants, pools, paths, benches, fixtures, receptacles, etc. This does not preclude an artist designing a sculpture that may be sat on, or site specific earthworks by a sculptor.
 4. Objects that are mass produced or of standard design, such as playground sculpture or fountains.
 5. Directional, or other functional elements, such as super-graphics, signage, or color coded maps, except when a recognized calligrapher is employed.
 6. Electrical, water or mechanical services for the utilities for activation of art.
 7. Exhibitions and educational aspects associated with the project.
 8. Lighting, registration, publications, dedication, unveiling, insurance, security, publicity and maintenance.

Artists Registry

The Artists registry, maintained at the Arts Commission office, consists of biographical files of information and slides from hundreds of resident and non-resident practicing visual artists. The Registry is used as the primary resource for the Percent for Art program and is also used by museum curators, gallery directors, educators, architects and other visual arts professionals. As of mid 1984, the Registry included more than 800 artists, and over 5000 slides. Artists wishing to participate are required to fill out the Registry Form (available from the Arts Commission office), and send at least 10 slides of recent or appropriate work. Two slides of each artist's work are kept in slide carousels for public viewing. The balance of each artist's

slides are kept in the permanent Registry file. They should be updated regularly. Artists in the Registry receive all pertinent information about visual arts activities and Percent for Arts projects. Registry forms are included in the back of this handbook.

Eligibility for Artists Registry THE ARTISTS REGISTRY IS NOT JURIED AND IS OPEN TO ANY RESIDENT OR NON-RESIDENT PRACTICING VISUAL ARTIST, WORKING IN ANY MEDIUM. (Non-resident artists are indicated as such when slides are shown from the Registry for any reason.)

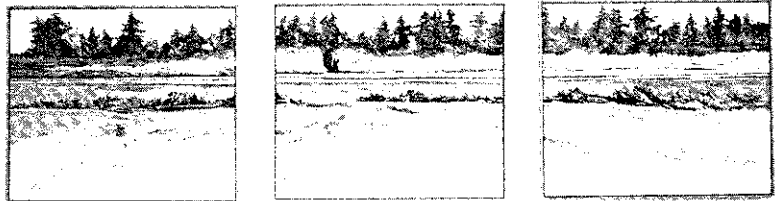
Percent for Art Eligibility Preference for Percent for Art projects will be given to artists currently residing in Maine or those who have lived in the state at least 24 of the previous 36 months. It is anticipated that at least 75 percent of Percent for Art commissions will be awarded to Maine artists.

Slides

The Slide Bank from the Artists Registry is used primarily as the beginning resource for making selections of artists to be considered for Percent for Art projects. Often Selection Committees view the slide carousels of the entire Registry, which includes over 1,000 slides. This experience is long and visually demanding, so it is extremely important that the slides artists send are of the highest quality possible. 35mm slides which are sharply focused, without distortions, correctly exposed and without distracting background clutter are necessary for committees to see the quality of an artist's work. Instructions for taking professional slides have been developed by the Commission staff, and are included in the back of this Handbook. The Commission also sponsors slide taking workshops for professionals on a periodic basis around the state.



C.C. Church
photograph
Maine Veteran's Home



Tom Higgins
mural
Maine Veteran's Home



The participants are the most important part of the Percent for Art Act. Without their hard work and cooperation, Art in Public Places could not exist.

The Artist

Artists considered for Percent for Art are practitioners in the visual arts, generally recognized by critics and peers as professionals, who are committed to producing high-quality work on a regular basis. Considerations when selecting artists include: proportion of income received from art sales, or art related activities, frequent or consistent exhibitions, purchase of works by museums and other public institutions.

Professional artists wishing to be considered for Percent for Art commissions or acquisitions must register with the Maine State Commission on the Arts and the Humanities through the Artists Registry. (See Artists Registry, Part I.) Artists under consideration for a project may be requested to do formal models or maquettes, may be interviewed by the Advisory Selection Committee or the governing board of the Contracting Agency and should visit the site. Artists selected for purchase or commission will also provide maintenance information to the contracting agency.

The Artist performs all work under Percent for Art commissions as an independent contractor and not as an agent or an employee of the State of Maine or local governing boards. The artist is responsible for all supervision, labor, materials, equipment, supplies, and other incidentals, as well as storage, transportation, shipping, and installation of the work. As an independent contractor, the artist is also responsible for insurance and bonding. (See Artists Proposal Worksheet, Part IV.)

**The Maine State
Commission
on the Arts
and the
Humanities**

The Maine State Commission on the Arts and the Humanities, also known as the *Arts Commission*, serves as the central, coordinating agency for artists, selection committees, and local sites participating in the program.

The Arts Commission Staff

1. Coordinates Percent for Art Programs.
2. Maintains the Artists Registry and Slide Bank.
3. Communicates with the field, promoting the Percent for Art Program
4. Provides technical assistance to artists.
5. Provides technical assistance to the sites.
6. Provides information to School Superintendents, Building Committees and/or School Boards about the Percent for Art Law
7. Approves contracts between the contracting agency and the architect for any design services which may be required.

The Arts Commission Board

1. Develops policy for the program.
2. Designs guidelines (rules) for Percent for Art to implement the law
3. Ratifies the artist/artwork selected by the advisory selection committee if correct procedures have been followed.

Contracting
Agency

For the purposes of the Percent for Art program, the “contracting agency,” or local site, is the unit of government that receives the funds for a public building. In the case of school construction, the “contracting agency” is the governing body of the local School Administrative District. Examples of the “contracting agency” would be the Board of Directors for the Maine Veteran’s Home and the Moosabec Community School Committee or Trustees for the Jonesport-Beals High School.

Duties of the Contracting Agency, or local site include:

1. Notifying Commission staff, in writing, of the project, scope, site, budget, timing, architect and providing plans.

-
2. Appointing at least two (2) and no more than three (3) members to the Advisory Selection Committee.
 3. Appointing a Committee Chair and Secretary (from the above members) who are responsible for meeting minutes and agendas.
 4. Maintaining budget records and administrative costs, and keeping the Advisory Selection Committee informed as the project progresses.
 5. Advertising the project locally and state-wide for open competitions.
 6. Notifying the Commission staff, in writing, of the decision of the governing board of the local site to delegate selection authority to the Advisory Selection Committee.
 7. Appointing two more non-voting representatives from its governing board to participate in the selection process if the governing board of the local site retains the decision-making authority for selection of the artwork.

The contracting agency is responsible for providing the contracts for commissions, and paying the artist directly. A model contract form has been provided in the Appendix of this Handbook. *In the case of a direct purchase, the artist sends a bill directly to the Contracting Agency.*

When the artwork is installed, the contracting agency takes care of any opening festivities, press releases, dedications and public relations. Within thirty (30) days of the installation a *final report* must be completed and sent to the Arts Commission, along with visual documentation. The Arts Commission staff will work with the Contracting Agency to help coordinate any of these responsibilities. (See Catalogue Worksheet, Part IV.)

Advisory
Selection
Committee

Each Percent for Art project has an Advisory Selection Committee, consisting of five to seven members:

1. At least two but not more than three members appointed by the contracting agency.
2. The project Architect.
3. At least two but not more than three arts professionals appointed by the Arts Commission.

In the case of a school project, an Advisory Selection Committee might include:

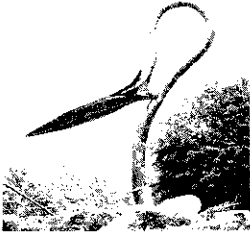
1. The school principal.
2. An art educator.
3. A member of the school board.
4. The project architect.
5. An art historian from the University.
6. A museum director.
7. An artist.

The majority of the members of the Advisory Selection Committees are from the visual arts profession and are chosen from the following categories: museum director or curator, art historian, critic, collector, artist, art educator, or layman.

Duties The Advisory Selection Committee selects the artists and/or artwork for the project. Decisions are not final until approved by both the governing board of the Contracting Agency and the Arts Commission. The selection is coordinated by the Arts Commission staff. It is very important for the Committee to have a clear understanding of the local communities, their concerns and ideas for the project.

Architect	<p>The architect is the person or firm retained by the Contracting Agency to design the building. The Architect is a voting member of the Advisory Selection Committee, and provides technical assistance to the Committee. The role of the architect is important, as siting and lighting and other technical concerns can directly affect the impact of the art. The architect may choose not to be a member of the Selection Committee. In this case the Arts Commission staff will keep him/her informed as to the decisions of the Selection Committee. The architect will be asked to serve as a consultant when there is a technical question or when design services are required for placement of the work of art.</p>
Department of Educational and Cultural Services	<p>The Division of School Facilities, of the State Department of Educational and Cultural Services, a bureau of State Government is administratively responsible for school buildings and budgets. The Division provides the Commission with information about schools approved by the State Board of Education for funding before concept approval by the State Board. (This information should be requested by the Arts Commission in November and May.)</p>
Bureau of Public Improvements	<p>The Bureau of Public Improvements (BPI) is an agency within the Department of Finance and Administration. BIP's statutory authority and responsibility is defined in Title 5 MRSA 1742-1764. BPI inspects state-owned and leased buildings, gives oversight to the process of design and construction for the improvement of state-owned buildings and also reviews and approves proposals, plans, specifications, and contracts for these improvements.</p> <p>In the case of public schools, BPI oversees architect selection and design, reviews and approves plans and specifications, and also gives oversight to the construction process.</p>

BPI inspects and approves the installation of all large scale public art. The artist submits a contract for the public art commission to BPI for approval along with any plans and specifications to be included in the project.



Clarke Fitzgerald
sculpture
Wilton Academy

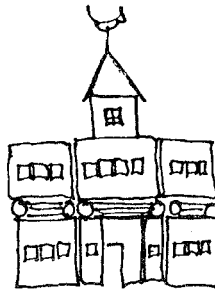
STATE
BUILDING

ADMINISTERED THROUGH
BUREAU
OF
PUBLIC
IMPROVEMENTS



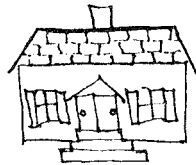
SCHOOLS

ADMINISTERED THROUGH
DEPARTMENT
OF
EDUCATION



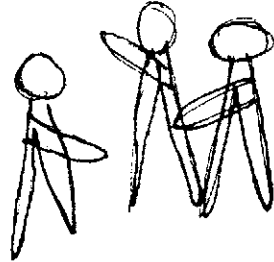
ARTS
COMMISSION
STAFF

notified
by
The
Bureau
of
Public
Improvements
or
The
Department
of
Education

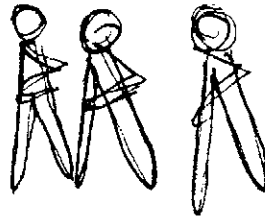


ADVISORY
SELECTION
COMMITTEE

CONTRACTING
AGENCY
REPRESENTATIVES



ARTS
COMMISSION
REPRESENTATIVES



ARCHITECT



1st
MEETING

SELECTION METHOD

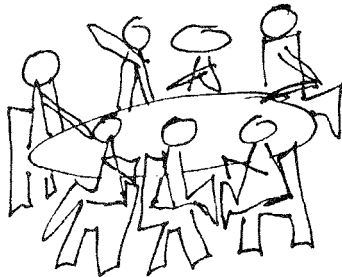
1. DIRECT
2. LIMITED
3. OPEN

ART WORK

1. SITE
2. STYLE
3. MEDIUM

ADMINISTRATION

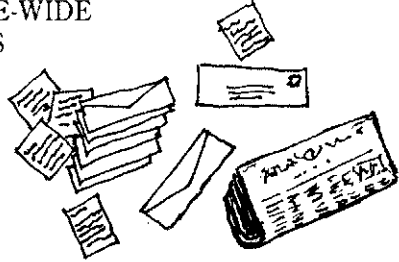
1. BUDGET
2. TIMETABLE
3. COMMITTEE —
CHARGE AND AUTHORITY



ARTIST
NOTIFICATION
OF
PROJECT

COORDINATED BY
ARTS COMMISSION STAFF

1. LETTERS TO ARTISTS
2. PRESS RELEASES
3. LOCAL AND STATE-WIDE
ADVERTISEMENTS
(IF APPLICABLE)



2nd
MEETING

ARTISTS SLIDE REVIEW
BY
ADVISORY SELECTION
COMMITTEE

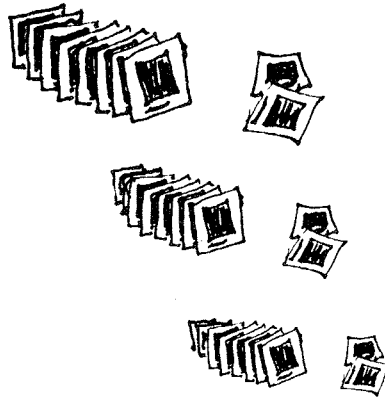
1. REVIEWS ALL SLIDES
IN ARTIST'S REGISTRY
- 2 SLIDES OF EACH ARTIST
2. AT ARTS COMMISSION OFFICES
3. SELECT SEMI-FINALISTS



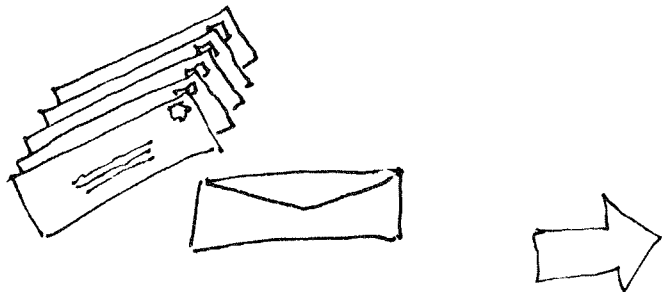
3rd
MEETING

EXTENSIVE SLIDE REVIEW
OF SEMI-FINALISTS

1. COORDINATED BY THE ARTS COMMISSION
2. AT ARTS COMMISSION OFFICES
3. 10 SLIDES OF EACH SEMI-FINALIST ARTIST

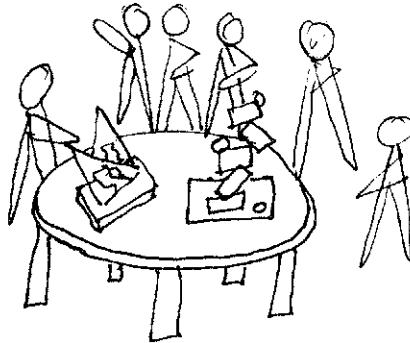


4. FINALIST CHOSEN
5. LETTERS TO FINALISTS

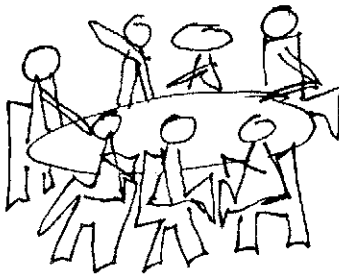


4th
MEETING

- ARTIST'S INTERVIEWS
1. SPECIFIC SITE PROPOSALS
2. MODELS OF ARTWORK

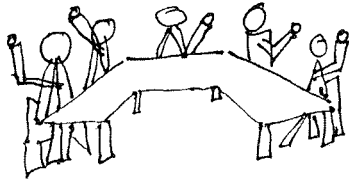


ADVISORY SELECTION COMMITTEE
SELECTS
FINALISTS
FOR
ACQUISITIONS
OR
COMMISSIONS

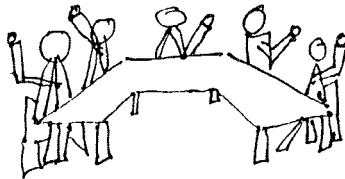


APPROVALS

**CONTRACTING AGENCY
OR
LOCAL SITE
VOTES ON
SELECTION COMMITTEE
RECOMMENDATION**

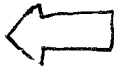


**ARTS COMMISSION
VOTES
ON
SELECTION PROCESS**



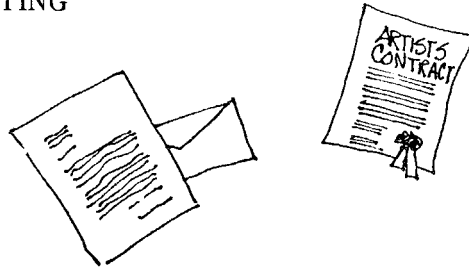
REJECTION

START AGAIN!

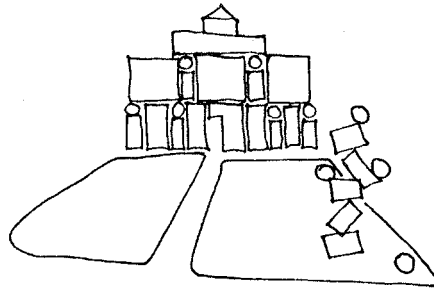


ACCEPTANCE
OF
ARTWORK

FINAL LETTER
CONGRATULATING
ARTIST
ON GETTING
COMMISSION
CONTRACT
INCLUDED



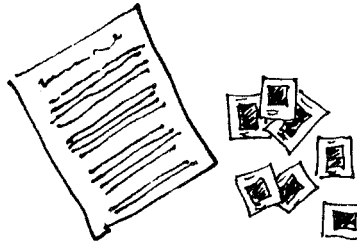
COMPLETION
OF ARTWORK
AND
INSTALLATION
BY
ARTIST



REVIEW OF ARTWORK
BY BPI



FINAL REPORT
AND
DOCUMENTATION
OF
ARTWORK



Notification	<p>As soon as a school or public building is approved for funding, either the Division of School Facilities of the Department of Educational and Cultural Services (in the case of public schools) or the Bureau of Public Improvements (in the case of state buildings) notifies the Arts Commission in writing of the new Percent for Art project. Notification must include the site, budget, project architect, and local administrator. The amount available for the commissioning or acquisition of artwork, \$25,000 or one percent (1%), whichever is less, is determined by the Division of School Facilities of the Department of Educational and Cultural Services or the Bureau of Public Improvements in coordination with the Arts Commission staff.</p> <p>If school boards or school committees decide to exclude Percent for Art requirements, the decision to do so must be made before concept approval by the State Board of Education. The earlier Percent for Art projects are identified the better, as the architect and building committee can plan for the art as the project develops. Exclusion after concept approval by the State Board of Education will be given only under extenuating circumstances, with the approval of the Commissioner of the Department of Education in cooperation with the Arts Commission.</p>
Advisory Selection Committee	<p>The Advisory Selection Committee is appointed by the appropriate governing boards at the earliest possible time after the project is identified. The Arts Commission staff coordinates this process.</p>
Preliminary Meeting	<p>The preliminary meeting of the Advisory Selection Committee should be held at the local site so the Committee members and Arts Commission staff can develop an understanding of the site and the building. The following topics are covered on the preliminary meeting:</p>

-
1. *Budget and Administration* The budget for commissioning or acquiring works of art is reviewed. During the project the budget is maintained by the chair of the Advisory Selection Committee, and updated copies are periodically sent to members and Commission staff with the minutes of each meeting.

Five percent (5%) of the original Percent for Art budget is available to cover expenses and administration of the project. The funds may be used for committee travel, meals, and as reimbursement for expenses that artists incur when presenting final proposals.

2. *Administrative Duties* of the local site include organizing committee meetings, maintaining the budget, meeting minutes, and advertising the project statewide in the case of open competitions. Other administrative duties are maintained by the Commission staff, including correspondence with artists, coordinating competitions, slide presentations, and proposal presentations. The Commission staff provides technical assistance to the Advisory Selection Committee and to artists involved in Percent for Art projects.
3. *Timetable* At the preliminary meeting of the Advisory Selection Committee, the Arts Commission staff explains the Percent for Art process, and works with the committee to develop a timeline for the project. Advisory Selection Committees must select artists and determine funds for commissions within one year of the date of the building occupation. Construction of large scale public artwork may take a year or more to be completed and installed.
4. *Artwork Selection of Medium.* At the site, the advisory Selection Committee works together to suggest the medium most appropriate for the specific building and for the community, taking into account the history of the area and an overview of the various possibilities for public art. This information, along with an evaluation of the building,

site and building users, becomes the basis for a selection plan.

5. *Site and Medium* The Advisory Selection Committee tours the site and building to evaluate appropriate spaces, identify potential problems and determine appropriate media to be considered. Committees are encouraged to be as flexible as possible in these decisions, as artists often present new or unusual solutions for committee consideration.
6. *Some Questions to Consider When Selecting Artwork:*
 How flexible are the facility plans for including various types of artwork?
 At what stage is the construction?
 What are the building's specific engineering requirements that could benefit or constrain certain types of artwork?
 What are the weight capacities (floor, walls, ceiling, outdoor foundations)?
 What kind of lighting will there be for the artwork? Will it be natural or artificial?
 Should the artwork be accessible to touching and climbing or should it be protected from handling?

Selection Methods

There are three ways to select artists or artwork under the Percent for Art law:

1. *Direct Selection* The Advisory Selection Committee must unanimously recommend the selection of an artist for a commission or for purchase after reviewing the Artists Registry and other sources, conducting studio or gallery visits and/or interviews with artists.
2. *Limited Competition* The Advisory Committee, after a review similar to that described above, recommends inviting a limited number of artists to compete for the commission by doing site specific proposals.
3. *Open Competition* The open competition is widely

publicized by the local site, and all artists in the Artists Registry receive details by direct mail from the Arts Commission. Any professional artist is eligible as long as he registers with the Arts Commission, as the Artists Registry is the primary resource for the program and facilitates administration. Priority is given to resident Maine artists. The competition may be one, but usually includes two or more stages, the second stage involving a limited number of finalists who are asked to prepare site specific scale models or proposals.

If in the opinion of the Contracting Agency satisfactory proposal is not made, the process will begin again, or another method of selection will be adopted.

Conflict
of Interest

A conflict of interest is defined as occurring if a member of the Advisory Selection Committee or the Contracting Agency receives any kind of remuneration or other consideration regarding the purchase of a work of art under the Percent for Art law. Conflict of interest in relation to Percent for Art does not refer to the normal reimbursable expenses incurred by the members of the Advisory Selection Committee. Full disclosure should be made of any personal involvement between any Committee member and any artists being considered for Percent for Art.

Artist Notification
for Open
Competitions

After the preliminary Advisory Selection Committee meeting, the contracting agency (local site) is responsible for notifying local artists about the project and for coordinating statewide press releases and local advertisements (paid for with Administrative funds). If the process is to be an open competition, the Arts Commission staff mails project specifications to artists in the Artists Registry asking those interested in the project to submit letters of intent to the Commission office and to update their slides, if necessary, before the deadline.

Other interested artists register with the Commission simply by filling out the Registry form, sending ten (10) 35mm slides, biographical information and a letter of intent. Artists with specific questions about any Percent for Art project should contact the Commission staff. Artists will be notified of decisions as soon as possible, but the selection process often takes a few months to complete.

Slide
Review

After the notification deadline, the Arts Commission staff puts together a preliminary selection of slides, including at least two slides from each artist interested in the competition. These slides are shown at the next Advisory selection Committee meeting. At that time, the Commission staff also presents artist files from the Registry, additional slides, and other back-up materials. The Advisory Selection Committee reviews the slides twice, discusses each artist's work, and votes to determine the limited number of semi-finalists for the next meeting. (Note: the quality of the slides often influences whether or not an artist's work will be further considered.) The Arts Commission staff then organizes a slide presentation, including 5-10 slides of each of the semi-finalist's work, from which the finalists are selected. All slide review meetings are held at the Commission offices in Augusta, so that slides and additional materials are readily available.

Final
Proposals

Finalists are interviewed by the Advisory Selection Committee and usually are asked to prepare site-specific proposals, including scale models. These should be as polished and professional as possible. The Artists should always visit the site before making proposals. (The artist will be reimbursed for travel and proposal expenses.)

Proposals should be sent to the Commission office unless other arrangements are made. Artists will be notified, in writing, as to specific place and time. Artists must send, or deliver

proposals packaged to insure the safety of the model during transportation and presentation.

The Arts Commission and the local site are not responsible for damage or loss of proposals, models or macquettes. Artists must fill out and submit a proposal worksheet containing an itemized list of all costs, including installation. The worksheet is available from the Commission office, and a sample form can be found in the Appendix, Part IV of the publication. Usually artists are asked to present their proposals to the Advisory Selection Committee in person.

Final Selections

Final selections are made after the artists are interviewed and their proposals reviewed by the Advisory Selection Committee. However, Committee decisions must be approved by the governing board unless the board has delegated approval authority to the Selection Committee or any other committee the board chooses (the Building Committee). The selection process is then ratified by the Arts Commission. Artists should wait for final written approval from the Arts Commission before setting up a contract with the Contracting Agency. Written approval occurs only after both boards have met. The final approval process sometimes takes several months to complete.

Final Approval

Local Site Proposals chosen by the Advisory Selection Committee are presented by the artist to the governing board of the contracting agency at the next appropriate board meeting. Advisory Selection Committee members are asked to attend and participate in the presentation. The artist shows slides of current and appropriate work, presents the proposal, and answers questions from the board about the proposal. The governing board should be kept informed throughout the process of the decisions made by the Advisory Selection Committee.

The Arts Commission After the local site has accepted the Advisory Selection Committee recommendations, the Arts Commission Board ratifies the selection if the proper procedures have been followed. If the local board rejects the proposal(s) or *if the Commission vetos the process the entire selection process begins again.*

Bureau of
Public
Improvements

In the case of large-scale public artwork, the Bureau of Public Improvements will review the proposal to assure that safety and engineering standards are met. All pertinent safety regulations for public buildings must be met.

Contracts

The Arts Commission is responsible for contract procedures and has developed a form to be used by agencies and artists as a model. (See Contracts, Part IV.) Artists operate as individual contractors and are responsible for their own bonding (if required) and insurance.

Fabrication

A portion of the approved amount for artwork is available through requisition from the Contracting Agency when the contract is signed. Completion of large-scale work may take up to a year and timelines are established in the contract. The contracting agency will periodically review construction progress and approve payments. Final payment is made after the piece is installed, and the artwork is formally accepted by the Contracting Agency. The artist is responsible for installation and associated costs which are included in the proposal budget. The Contracting Agency is responsible for lighting the artwork and for maintenance costs. Permanent plaques must be provided by the site in the following format, and the artist is consulted as to design and placement.

Sample
Plaque

Title

Artist

Date

Medium

This work of art has been acquired under the Maine Percent for Art law.

Project
Completion

Final Report The Contracting Agency must file a written final report with the Arts Commission including two 8x10 glossy black and white photographs and ten (10) professional quality 35mm slides of the work, within thirty (30) days of installation. The Arts Commission staff may take responsibility for black and white photographs and the 35mm slides. The artist provides a written description of the work.

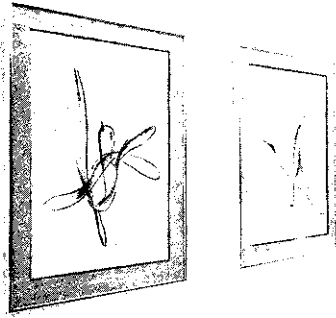
Dedication The Contracting Agency is responsible for the dedication of the piece, including press releases, opening festivities, and any associated costs. The Arts Commission staff will work with the Contracting Agency to set up the dedication.

Conservation and Preservation The local site is responsible for the conservation and preservation of the artwork. Maintenance guidelines will be provided by the artist in writing at the time of installation with copies filed at the Commission office. The Arts Commission staff will provide technical assistance to sites, recommending appropriate specialists, adhering to professional museum standards. A visual archive of all Percent for Art projects is maintained and updated at the Commission office.

Deaccessioning If a school or public building is to be closed or sold or destroyed, the Contracting Agency shall notify the Arts Commission in writing well in advance to allow for proper deaccessioning of the artwork under the Percent for Art program.

**Guidelines
Revision**

The Arts Commission is responsible for designing rules and regulations for Percent for Art and will continue to upgrade methods and procedures as the program develops.



Deborah Demoulied
drawings
Bangor Office Complex

This section includes forms and information which should help artists, selection committees, and agencies work through the Public Art Selection Process.

Deborah Demoulied
sculpture
Bangor Office Complex



AN ACT TO PROVIDE FOR ART IN PUBLIC BUILDINGS
AND OTHER FACILITIES LEGISLATION

CHAPTER 525

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

§ 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 buildings 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

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

THE MAINE STATE COMMISSION ON THE ARTS AND THE HUMANITIES

Chapter I

RULES TO CARRY OUT AN ACT TO PROVIDE FOR ART IN PUBLIC BUILDINGS
AND OTHER FACILITIES

SUMMARY: The following rules to carry out An Act to Provide for Art in Public Buildings outline the purpose, selection procedures, methods of selection, standards, eligibility of artists, inclusions and exclusions and contracting procedures.

1. Purpose and Scope

The following rules have been established to assure the expeditious and equitable selection of a work(s) of art for public buildings and other facilities, and shall be implemented with the guidance of the Maine State Commission on the Arts and the Humanities, the governing authority.

A. Advisory Committee

Selection shall be by the contracting agency which shall consider the recommendations presented by an advisory committee composed of members chosen by the contracting agency and by the Maine State Commission on the Arts and the Humanities.

1. Size: The number serving shall be no less than five and no more than seven.
2. Composition: On each advisory committee the majority of the members shall be from the visual arts profession. The building architect, a representative chosen by the contracting agency and a representative chosen by the Maine State Commission on the Arts and the Humanities shall be members of all advisory committees. The remaining advisory committee members shall be other than those directly involved in the project and may be selected in equal numbers by the contracting agency and by MSCAH from any of the following areas in whatever combination best applies to the project; museum director or curator, art historian, critic, collector, artist not in competition, art

educator or lay members of the public. In the case of any school construction, a student may be appointed by the contracting agency.

3. Remuneration: Outside advisory committee members shall be reimbursed for their services and/or expenses. The total cost of advisory services for each project shall not exceed 5% of the amount allocated for the purchase of a work of art. (See 27 MRSA §§ 453-459).
4. The Commission delegates final selection of artists and artwork to the Advisory Selection Committee, and approves the procedures followed for the project under the rules and regulations.
5. If the local contracting agency does not delegate final selection of artists and artwork to the Advisory Selection Committee, then they shall appoint two extra representatives from their governing board who sit as non-voting members on the Advisory Selection Committee.

B. Methods of Selection

1. Direct Selection: The advisory committee recommends the selection of the artist or a completed work after reviewing the appropriate archives, files and other sources and by studio or gallery visits and interviews with artists.
2. Limited Competition: The advisory committee, after a review similar to that described above, recommends to invite a limited number of artists to enter. If, in the opinion of the contracting agency, a satisfactory proposal is not made, the process will begin anew or another method of selection will be adopted.
4. Registration and Resumes: Artists wishing to be considered for commissioning under any of the three methods outlined above shall be asked to register with the Maine State Commission on the Arts and the Humanities and to submit biographical and visual materials to the Commission, which will serve as the primary information resource for the program.

3. Standards

A. Criteria for Selecting Works

-
1. **Style and Nature:** Works of any esthetic persuasions which are appropriate as art in public places and compatible in scale, material, form and content with their surroundings will be considered. Works may be participatory in nature.
 2. **Quality:** The consideration of highest priority is the inherent quality of the work itself.
 3. **Media:** All visual arts forms may be considered. Works may be either portable or permanently affixed and may serve as space dividers. (Refer to Section 452.6)
 4. **Elements of Design:** The advisory committee and the artist will take into account the fact that, as differentiated from works in a museum context, art in public places may function as:
 - a. focal points
 - b. axial terminators
 - c. modifiers or definers of specific spaces
 - d. establishers of identity
 5. **Conservation:** Due consideration will be given to structural and surface soundness and to permanence in terms of relative proof against theft, vandalism, weathering or excessive maintenance or repair costs.
 6. **Documentation.** Each contracting agency shall document the process of selecting works of art and artists. Minutes of each advisory selection committee shall be maintained and forwarded to the Maine State Commission on the Arts and the Humanities. Photographs of works installed shall be taken and, where possible, photographic documentation of works in process shall be made. All visual and any final written documentation shall be forwarded to the Maine State Commission on the Arts and the Humanities within thirty days following the completion and/or installation of any project. All requests by the contracting agency for actions to be considered by the Commission shall be made in writing.
 7. **Honoraria:** Artists selected as finalists shall be paid honoraria for written proposals or models at rates to be established by the Advisory Selection Committee, with a minimum of \$50, and shall be reimbursed for travel expenses at the current state level.

B. Eligibility of Artists

Preference will be given to artists currently residing in the State of Maine or who will have resided here at least 24 of the last 36 months. It is anticipated that during the course of a biennium, two-thirds to three-quarters of the commissions will be awarded to Maine Artists.

C. Inclusions and Exclusions

1. The cost of the work of art: Generally, if the artist is commissioned to produce a new work, the following are taken into account in the contract:
 - i. Artists' professional design fee.
 - ii. Labor or assistants, materials required for production of the work.
 - iii. Studio and operating costs of the artist, including rent, depreciation, utilities, communications, insurance, other direct and indirect costs.
 - iv. Travel of the artist for site visitation and research.
 - v. Transportation of the work to the site.
 - vi. Installation of the completed work.
 - b. Identification plaques and labels.
 - c. Waterworks and electrical and mechanical devices or equipment which are integral parts of the work of art.
 - d. Frames, mats or pedestals necessary for the proper presentation of the works of art.
 - e. Other items the Commission approves as appropriate to the particular work of art.
2. Exclusions: The portion of the capital appropriation reserved for works of art **may not** be expended for the following:
 - a. Reproductions by mechanical or other means of original works of art. Included, however, may be limited editions, controlled by the artist of original prints, cast sculpture, photographs, etc.

-
- b. Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect.
 - c. Those elements generally considered to be components of a landscape architectural design: plant materials, pools, paths, benches, receptacles, fixtures, planters, etc.
 - d. "Art objects" which are mass produced or of standard design, such as playground sculpture or fountains.
 - e. Directional, or other functional elements, such as supergraphics, signing, color coding maps, etc., except where a recognized calligrapher is employed.
 - f. Those items which are required to fulfill the basic purpose of the agency. Examples would be works of art in the collection of a state museum or works of art fulfilling an interpretive or educational role in a state park, the state library or a college or university art museum or gallery.
 - g. Electrical, water or mechanical service for activation of the work.
 - h. Exhibitions and educational aspects.
 - i. In connection with the works of art, before or after they are installed: lighting, registration, dedication, unveiling, insurance, security, publicity or publications and maintenance (preservation, conservation, restoration, repair).

4. Contracting Procedures

A. School Construction

If boards of school directors or school committees decide to exclude the project from the requirements of this chapter, the decision must be made prior to the granting of concept approval by the State Board of Education. Exclusion after this date will be given only under extenuating circumstances and with the approval of the Commissioner of the Department of Educational and Cultural

Services who shall consider the recommendation of the Maine State Commission on the Arts and the Humanities.

BASIS STATEMENT: These rules are to aid in the implementation of An Act to Provide for Art in Public Buildings and Other Facilities which was created by the Legislature in order to encourage the arts in Maine.

AUTHORITY: 27 MRSA Section 458

EFFECTIVE DATE: 2-1-81

ARTIST'S REGISTRY INFORMATION

Maine State Commission
on the Arts
and the Humanities

Name _____

Phone _____

Address _____

_____ State _____ Zip _____

Media _____ Painting/Drawing _____ Graphics _____ Ceramics

_____ Murals _____ Sculpture _____ Photography _____ Fiber

_____ Metal _____ Paper _____ Glass

Slide Title Medium Size Year Price

Inventory

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

Please send slides in a 9½ x 11 inch clear plastic slide sheet;
attach additional inventory if necessary.

Artists registered automatically receive information about
current PERCENT FOR ART projects and workshops, bulletins
or other pertinent visual arts information.

RESUME

Education

Recent Exhibitions

Indicate if juried, invitation, one-person, etc.

Museums/
Collections

Publications

Represented
by (galleries,
agents, etc.)

Honors, Awards
Grants,
Commissions

Signature _____ Date _____

Send to:
MSCAH
55 Capitol St.
State Hs. Sta. 25
Augusta
Maine 04333

Please include an updated resume and any other information you would like in your file with your slides. Slides become a permanent part of the Registry, but may be updated at any time.

The Maine State Commission on the Arts and the Humanities is not responsible for slides in the Artist's Registry.

MAINE PERCENT FOR ART
Artist Proposal Worksheet

Artist _____
Address _____

Phone _____ Studio _____ Zip _____

Project Site _____

Address _____

Contact at Site _____ Phone _____

Artwork Location and Site _____

Dimensions _____

Specifications _____

Budget Breakdown

Travel _____

Materials _____

Labor per hour _____

Technician(s) _____

Assistant(s) _____

Studio
Overhead

(rent, utilities, communications, insurance, other direct or indirect costs)

Liability
Insurance*

Bonding*
(if applicable)

Installation Costs
(including framing
if applicable)

Contingency
Percentage

Total
Cost

*Artists acting as independent contractors often are required to have a performance bond. Your insurance agent can estimate costs.

Timeline

Start Up

Completion Half
of Artwork

Installation

Maintenance
Requirements

Project Site Address	_____

	_____ Phone _____
Contact at Site	_____
Artist Address	_____

	_____ Phone _____
Date of Birth	_____
Artwork	_____
Title	_____
Medium	_____
Place of Signature	_____
Completion Date	_____
Place of Fabrication	_____
Description of Work	_____

Copy to site, copy on file with the Arts Commission

Purchase
Price

Place of
Installation

Previously
Exhibited

Part of
an Edition

Documentation
to be Attached

Two 35 mm color slides of installed work at site
Two 35 mm color slides of installed work alone
Two glossy black and white 8 x 10 prints
NB: Sculpture should be photographed on all sides

Signature _____ Date _____

Return to:

Maine State Commission
on the Arts
and the Humanities
State House Station 25
55 Capitol Street
Augusta, Maine 04333

MAINE PERCENT FOR ART
Artwork Submittal Form

55

Percent for Art _____

Date _____

Artist _____

Address _____

City _____ State _____ Zip _____

Phone _____

Artwork _____

Dimensions _____ Date Completed _____

Installation
Process _____ Cost _____

Price of Artwork _____

Comments:

Copy on file with the Arts Commission



Antoinette Schultz
sculpture
Poland Community School



Rose Marasco
photograph
Harrington Elementary School

By Rose Marasco

Having slides of your work is a necessary component of being an artist in our society. The art world competitions, from teaching jobs to grants, all require slides. It may be that these 2"x2" celluloids are unfairly given too much power. One could have truly great work but awful slides; and, of course, vice versa. How can one begin to have his or her slides come as close as possible to representing the work? I offer some tips and guidance.

Firstly, one should realize that this slide making task is not easy. The casual approach of, i.e. balancing the painting on a chair, getting the dog out of the view finder (but not in the plant), finishing off that roll of film that's been in the camera for years, turning on a few room lights (in addition to the window light) 'cause it's a little dark, taking your meter reading with the battery that came with the camera three years ago, and then dropping the roll of film off at the closest 1-hour Photo Express just won't do. If this is the kind of effort you can imagine putting into this then your slides will probably be consistently dreadful.

The point is — making good slides is hard work. And, like anything done well, it requires time, effort, expense, a willingness to learn, patience, energy, and persistence. If you are unwilling, unable, or just not interested, then perhaps you should hire a photographer. If you make this decision be prepared to shop around. Photographers come in as many varieties as auto mechanics. Ask around, ask to see slides he or she has done before, ask if they have experience with three-dimensional work (if that is your need), ask how much per slide, ask how much if there are 25 pieces as opposed to 4, ask what would happen if you are unhappy with the results. Communicate your desire for quality; and, listen to the photographer. If you wish a particular point of view or detail of a piece recorded than say so. But, also be willing to listen to the photographer who should possess insight into why it will or will not work. Hiring someone "good" then can be one solution. There are still responsibilities with that choice but,

depending upon your situation, it may be the best one.

Let's say you are willing to take on this task. You really want to make your own slides for the same reasons for making your own frames, mats, stands, cases, etc. You know your work and you know what you want. Great. Read on and good luck.

Equipment

1. 35mm SLR camera with a 50mm normal or macro lens
2. Tripod
3. Meter (hand-held or in-camera)
4. Cable release
5. Kodak grey card
6. Light stands, reflectors, extension cords

Supplies

1. Film
2. Light bulbs
3. Light diffusion material
4. Slide mounts
5. Slide masking tape
6. Plastic slide pages

Before beginning the actual procedure involved, I will address each of these items in depth.

Equipment

1. Just about everyone has or has access to a 35mm SLR camera. If possible use one that you have used before and feel familiar with; or take a practice roll to ensure familiarity. Make sure it's clean — use lens tissue only (never apply lens cleaner directly on the lens — put it on the tissue and wipe gently). And, also clean out the body of the camera ("dust-off" works well — but never on the mirror). A normal, 50mm lens is fine for most work of considerable size. A macro lens is the best choice for smaller pieces under 16"x20". It allows one to fill the frame with whatever is being photographed — to

eliminate unwanted background. It is capable of a 1:1 reproduction. Close-up filters may also be placed on a 50mm lens to increase its capacity to move in close. They may cut down on quality a bit. The filters should not be considered a long term substitute for a macro lens, but they will work in a pinch.

2. Get — buy, borrow, secure — a good tripod. There is no substitute.
3. A cable release is something that can be easily overlooked. Don't. It is an inexpensive necessary item. It is made to extend the shutter release button to eliminate any movement or vibration.
4. A hand-held meter is certainly a better choice than a meter in the camera. If you are serious about doing this well, buy one. It makes life simpler. It is more accurate, more dependable, and more portable than an in-camera meter. Have the battery checked (in a photo store). They don't last forever, probably about one year.
5. A Kodak grey card is a card of known reflectance, 18%, intended to be placed in the subject area and used as a meter target in determining exposure. It is essential.
6. The bulbs used to illuminate your work are placed in bowl shaped metal reflectors (available from a photo store) and preferably clamped to light stands. You will need two of these. You can clamp the lights to just about anything in your studio (a chair), but the stands allow for ease of movement in all directions. A sheet of foamcore makes a great reflector if you need to diffuse the light. The light is aimed at the foamcore (it's back to the work and the foamcore facing the work) to evenly bounce the light.

Supplies

1., 2. Film and light bulbs cannot be separated. This is where the most common mistakes are made so understanding this is

imperative. Color film does not see the world the way our eyes do. The human eye and brain see color comparatively. Color film does not. It is “balanced” in manufacture for a light of a specific color as indicated by its color temperature rating in degreed kelvin (⁰k). You are most likely aware of the types of film — daylight and tungsten. Daylight film is balanced for 5500⁰k. Using this film with any other light source (room lights, flourescent bulbs, or photoflood lamps) will result in a color shift. The result will be a blue shift, if the light temperature is higher than 5500⁰k or a yellow shift, if the temperature is lower than 5500⁰k. Tungsten film is balanced for either 3200⁰k or 3400⁰k. In order to obtain an accurate color reproduction of your work, the color balance of the film and the lights *must* match. Filters can be added to the lens to change from one type of light source to another if necessary. But, it is best to use the correct film with the proper light source. The following chart will give you the specifics:

FILM	LIGHT SOURCE	FILTER
1. Tungsten Ektachrome 160 Ektachrome 160 Prof. Ektachrome 50	3200° K (Type B)	85 B converts Type B to daylight
Kodachrome 40	3400° K (Type A)	85 converts to daylight 82 converts to Type B
2. Daylight Ektachrome 64 Ektachrome 200 Ektachrome 400	5500° K	80 A converts Type B Tungsten
Kodachrome 64 Kodachrome 25		

Therefore, if you are using Ektachrome 160T film with a 3200°k light source, that's fine. If you are using Ektachrome 64 film in daylight, that's fine. If you are using a different light source than the one the film is manufactured (balanced) for, you are in trouble. The result will be inaccurate color — a color shift.

Practically speaking, Ektachrome 160T film with 3200°k light bulbs may be the simplest solution. You can purchase two 500W, 3200°k light bulbs (G.E. or Sylvania) in most photo stores. Check the bulb yourself — it will say 3200°k on it. Ektachrome film can be processed locally and quickly. Remember to use a professional lab for quality and consistent results. Processing is extremely important so do not short change all of your efforts here.

Kodachrome 40 (type A) film is a finer grain, more stable color film. But, it may not be as readily available (it can be ordered) and requires processing by a regional Kodak lab. It is a slower film (A.S.A. 40 vs. Ektachrome's A.S.A. 160) and will require more light and/or longer exposures than Ektachrome. Its grain structure and color rendition is higher quality than Ektachrome, but the availability and length of processing time should be considered. Remember to use 3400°k bulbs with this film.

3. Light diffusion material is necessary if your light source is too bright or your artwork too large for just the bulbs in reflectors. As mentioned, foamcore is one possibility. You can also use .75 white ripstop nylon placed a foot or so in front of the light source.

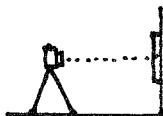
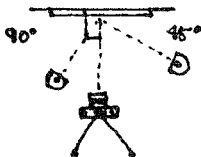
4., 5., 6. Slide mounts, tape, and slide pages are required to finalize your slides for presentation. You may opt to have your film processed unmounted and mount it yourself. It's a bit less expensive, generally quicker and allows for masking out unwanted background area. When the slide is then projected all the viewer sees is your artwork and not a disturbing background. To do this you use the slide masking tape. It is a

silver foil tape made by Scotch. Use the tape on the non-emulsion (shiny) side of the film. Place it right up to the borders of your piece. Slide mounts are available in cardboard, plastic or glass mounts. The glass works best for projection (holds image flattest) but doesn't ship very well. Plastic is a good alternative. Use white press-on labels (size $1\frac{3}{4}'' \times \frac{1}{2}''$) to attach your name, title, size, and date to the slide. Be extremely careful of dust and fingerprints when handling slides. Place the slides in plastic slide sheets for mailing; these should be protected with a corrugated cardboard on front and back.

Procedure

To put it quite simply — there is no one foolproof method that works. There are too many variables. Are you photographing something that is two or three-dimensional, large or small, dark or shiny, rough or smooth, colorful or monochromatic, etc.

With this in mind, I will offer a starting point. For ease of explanation I will first address two-dimensional work and then list some suggestions for three-dimensional pieces:



1. Place the work on a steady stand-easel, table top, etc. and secure it so it is level both horizontally and vertically.
2. Place the camera on the tripod so the center of the lens is directly opposite the center of the image. Move in, and focus, as close as possible to fill the frame. Leave the same amount of margin on the top and bottom and equal margins to the right and left side. Attach the cable release to the camera.
3. Set one light stand on each side of the image. Place the lights in a 30° - 45° angle in relationship to the work. You are trying to ensure an even light source — one with no shadows. Aim the light at the opposite end of the image — the one farthest from the light source. Do the same with the second light. This should result in even light. You may have to adjust this some depending on the size of your work. If you need to

cover a larger piece or if the light seems too bright, use the foamcore or ripstop nylon to diffuse the light. Use the Kodak grey card and meter to check for evenness. As the card is moved over various portions of the image, the meter readings should be the same if the lighting is even.

4. Determine the exposure by using grey card and meter. Place the grey card in front of your image facing the camera. Hold the meter not more than six inches from the card and so it does not read its own shadow. If you are using the meter in your camera, use it close up to determine exposure and then return it to the tripod to take the photograph. Remember the grey card will give you a general reading of the light on the surface. It is common practice (and a wise one) to bracket this exposure. An example would be: let's say you determined your exposure to be 1/60th of a second at f/8. You make that exposure and then shoot one frame at a 60th at f/5.6 and one at a 60th at f/11. This will ensure a proper exposure and should cover the variables of each image. Bracketing at half-stops (between f/8 and 5.6 and between f/8 and 11) is even more precise. If possible, try to use these mid-range f/stops; they will give you good sharpness and acceptable depth of field.

5. Keep accurate records of what you did for future reference. Write down position of work, camera, light stand, and exposure used.

For photographing smaller works and photographs themselves, a copy stand is easier to use than pinning these up to a wall. Photograph your work before it is placed under glass — this will eliminate many problems. If unavoidable, use a polarizing filter to eliminate glare and reflections. Be sure to follow the manufacturer's suggestions for exposure when using this filter or any of the conversion filters listed in the chart. There is usually an increase in exposure needed when using a filter as it cuts down on the amount of light reaching the film.

If the procedure for photographing two-dimensional work is simply not routine (as I have suggested), the procedure for

photographing three-dimensional or site pieces becomes extremely more complex. To restate: no one method works.

Some Advice

- Try to look at the light on the piece; in other words look at the surface light and not the piece. You will get better at this the longer you photograph. Professional photographers will use a Polaroid back on their camera just for this purpose — to check the lighting. We do not see light the way the film does. You need to try something and then look at the results.
- Select an f/stop that will ensure a greater depth of field if you wish everything to be in focus with a piece that has any depth to it. These are the f/stops near the “stopped down” end of the ring — f/11, f/16 or f/22.
- Try some full shots and some detail ones.
- Buy a roll of photographer’s seamless background paper (available in black, white, grey or a range of colors) to obtain a neutral backdrop. It will eliminate the table line going through your work. Secure the paper 2 to 3 feet above the table, on the wall, and pull it down over the table top. Place your piece on top of this.
- Check out some reproductions in magazines (i.e. Craft Horizons, Ceramics Monthly, etc.). Look at the background — what color is it? Look at the kind of lighting — is it soft or harsh and how does that influence what you think of the work? Is there a shadow to speak of? How defined is it and what does that image feel like to you?
- Never light a shiny surface directly with a bare bulb. If you do, you will always get a “hot spot.” Use the diffusion material or bounce the light off the foamcore. You can build a “tent” using thin sheets of paper, or ripstop nylon, and placing the lights behind the paper. Try shooting with the light directly overhead (through the paper) and filling in by bouncing off the foamcore placed in front of piece.

-
- If you are photographing site pieces (or wish to photograph your work outdoors) consider the location, the time of day, and the kind of day (sunny/overcast). Overcast or cloudy days provide a good even lighting. The shadows will still be readable. A sunny day will give you distinct shadows (if that's what you want). These shadows, of course, will vary throughout the day. Remember to use daylight film outdoors or the appropriate filter to balance tungsten film for daylight.
 - Try photographing your work in progress. It's a good record to have and good practice for learning.

A final note: I began by advising you of the complexities of this procedure. I have tried to simplify them and provide you with a starting point. Like everything that we make, it cannot be learned until it is actualized; and one gets better at it each time.

PERCENT FOR ART CONTRACT

AGREEMENT made this _____ day of _____ by and between the _____, county of _____ and State of Maine, (hereinafter called the "Contracting Agency"), and _____ of _____, Maine, (hereinafter called the "Artist").

WHEREAS, the *contracting agency*, through an advisory selection committee, solicited proposals for artwork for the Public Art project at _____ [site] (hereinafter called the "Project"); and

WHEREAS, The *contracting agency* approved said proposal for funding and the Maine State Commission on the Arts and the Humanities (hereinafter called the "Commission") ratified said proposal and process of the advisory selection committee under the Percent for Art Act (27 M.R.S.A. §451, et. seq.);

NOW, THEREFORE, the parties do hereby agree as follows:

1. *Delegation of Authority*: The *contracting agency* hereby delegates authority under this agreement to _____ [contracting agency's representative] to be its representative in all matters regarding the administration of the Agreement. The Artist agrees to work with, and to cooperate fully with said representative of the contracting agency.

2. *Description of Artwork*: The Artist will create and install the following work of art:

Title: _____

Dimensions: _____

Medium: _____

Artists Description of the Work: _____

The above work of Artist is hereinafter referred to as the "Work".

3. *Standards of Performance*: The Artist has visited the selected site for the Work, familiarized him/herself with the local conditions under which the Work is to be installed, and has correlated his/her observations with the *contracting agency*.

4. *Changes in Design*: The Artist shall create the Work in accordance with the approved design. Recognizing that the shift in scale from model to full scale requires artistic adjustments, the Artist reserves the right to make minor changes in the final Work as is deemed aesthetically or structurally necessary.

5. *Permanent Location:* The permanent location of the Work shall be: _____

6. *Price and Payment Schedule:* The *contracting agency* will pay the Artist a total sum of _____ dollars (\$_____).

Payment shall be as follows:

- \$_____ upon signing of this agreement by all necessary parties;
- \$_____ upon completion of half the required construction or creation of the Work, as defined in this section.
- \$_____ upon completion and final acceptance of the installed work by the *contracting agency* and the receipt from the Artist of maintenance Instructions as referred to in this Agreement.

To receive payments subsequent to the initial payment, the Artist shall submit a billing or invoice to the *contracting agency* when each of the stages outlined above have been reached. Failure of the *contracting agency* to notify the Artist within 14 days of filling of the nonacceptance of the Artist's estimation of degree of completion forecloses future objection and payment is authorized. The requisition for payment shall be on Form BPI 17A-61.

The *contracting agency* shall have the right of entry to the premises where the work is being done and/or where materials for the work are stored for purposes of inspecting the work and materials; and for recovering the work or materials in the case of default by the artist under this contract.

7. *Final Acceptance:* Final acceptance will be reached when the *contracting agency* signifies that the Work has been completed and installed according to terms of this Agreement. Official sole ownership of the Work occurs when a letter of final acceptance is sent by the *contracting agency* to the Artists. This letter will initiate the final payment process, and final payment will be made within thirty (30) days of the date of acceptance.

8. *Assignment of Work:* The work and services of the Artist are personal and shall not be assigned, sublet or transferred. This shall not prohibit the Artist from employing qualified personnel who shall work under his/her supervision.

9. *Artist as Independent Contractor:* The Artist agrees to perform all work under this agreement as an independent contractor and not as an agent or employee of the State of Maine. The artist as independent contractor shall furnish all supervision, labor, materials,

equipment, supplies, other incidentals, as well as storage, transportation, shipping and installation of the work.

10. *Inspection and Review:* The *contracting agency* shall have the right at reasonable times and with advance notice to review the Work while in the process of execution and to receive progress reports.

11. *Installation Time Schedule:* The Artist will begin work upon receipt of the first check due, and shall complete the work and installation thereof by the date of _____, 19____, unless that date is extended by the *contracting agency*, in which case it shall become the responsibility of the *Artist* to store the work before its installation.

The Artist may request an extension time from the *contracting agency* within five (5) days of the originally agreed upon installation date. If an extension is granted, a new installation date shall be agreed upon in writing, and the above penalty shall not apply unless the new date is not met. If an extension of time is granted it shall be documented on BPI Form 18-57.

12. *Documentation and Records:* Within thirty (30) days of installation of the Work, the *contracting agency* shall furnish the Maine State Commission on the Arts and Humanities with six (6) professional quality 35mm slides and two (2) 8x10 black and white glossy photographs of the Work, and shall provide a full written narrative description of the Work.

13. *Public Notice:* The *contracting agency* agrees to provide and install an identification plaque for the Work within thirty (30) days of the final acceptance date. The Written Contents of the plaque shall include at least the following information:

Title of Artwork

Year

Artist

Commissioned for _____ and the citizens of Maine under the Maine Percent for Art Act.

The plaque shall be of such medium and design as to be appropriate to the Work itself and the permanent location of the Work, and the Artist shall be consulted as to design. In the case of a series of works, the Artist and the *contracting agency* will reach agreement in writing concerning the number of plaques needed for appropriate identification.

14. *Warranty:* The Artist warrants that the design of Work being commissioned is the original product of his/her own creative efforts. The Artist warrants that the work is an edition of one (1), except, for example, in the case of the purchase of signed, limited edition

prints. The Artist agrees to deliver the Work to the *contracting agency* free and clear of any liens or claims arising from any source whatsoever.

15. *Indemnity and Liability*: The Artist shall, at his own cost and expense, defend and indemnify and hold harmless the *contracting agency*, their officers, agents, and employees, from and against all claims, damages, losses, and expenses including attorneys' fees, arising out of or resulting from the performance of this Agreement, provided that such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use therefrom, and (2) is caused in whole or in part by any negligence, act, or omission of the Artist, anyone directly or indirectly employed by him, or anyone for whose act he may be liable, except to the extent that it is caused in part by the *contracting agency*, their officers, agents, or employees. The Artist further agrees to defend, indemnify and hold harmless the *contracting agency*, their officers, agency to employees, from and against any claims or liens of his subcontractors, and his and their laborers, materialmen, mechanics, and suppliers.

Such obligation shall not be construed to negate or abridge any other obligation of indemnification running to the *Artist* which would otherwise exist. The extent of the indemnification provision shall not be limited by any provision for insurance contained in this Agreement. Before final payment is approved the artist shall supply a completed certification of payment of debts and claims and a lien release.

16. *Insurance*: Prior to the execution of this Agreement, the Artist shall provide the *contracting agency* with certificates evidencing Automobile Liability insurance and Public Liability insurance or Comprehensive General Liability in an amount not less than \$300,000 combined single limit for each. Said certificates shall name any subcontractors employed by the Artist and shall guarantee the *contracting agency* thirty (30) days written notice prior to cancellation.

17. *Compliance with Laws*: In the performance of the Work, the Artist shall comply with all applicable federal, state, and local laws, rules and regulations.

18. *Copyright*: The Artist expressly reserves every right available to him/her in common law or under the Federal Copyright Act to control the making and dissemination of copies or reproductions of the Work, except as those rights are limited by this Agreement. The Artist shall not unreasonably refuse the *contracting agency and/or Commission* permission to reproduce the Work graphically for purposes strictly for the sole use and benefit of the public. All reproductions of the Work shall contain a credit to the Artist and a copy-

right notice substantially in the following form: "Copyright, Artist's name, year of publication," in such a manner and location as shall comply with the U.S. Copyright laws. The Artist agrees to give a credit substantially in the following form:

"Originally owned by _____"

in any public showing of reproductions of the Work.

19. *Non-Destruction/Alteration*: The *contracting agency* agrees that it will not intentionally destroy or alter the Work in any way whatsoever without prior consultation with the Arts Commission and the artist.

20. *Maintenance*: As a condition of and prior to final acceptance of the Work, the Artist shall supply the *contracting agency* with written maintenance instructions.

During his/her lifetime, the Artist will supply, at no charge, advice as to problems arising in relation to maintenance of the Work. The Artist shall incur no cost to him/her as a result of giving this advice.

21. *Repairs*: The *contracting agency* shall make every reasonable effort to consult with the Artist and a professional conservator in all matters concerning repairs and restoration of the work. All restoration work shall be done in accordance with the Code of Ethics and Standards of Practice of the American Institute of Conservation (AIC), 3545 Williamsburg Lane, NW, Washington, DC 20008.

23. *Relocation*: The Work will be placed in the location for which it was selected. The *contracting agency* agrees that the Artist will be notified if, for any reason, the Work has to be removed or moved to a new location. The Artist has the right to advise or consult with the *contracting agency* or its designee, regarding this treatment of the Work.

24. *Ownership of Documents and Models*: Drawings, specifications, and models of the Work, or which relate to the Work including all preliminary studies, shall be the property of the Artist following completion of the Work under this Agreement or following termination of the Agreement by the *contracting agency* without fault on the part of the Artist. Under these circumstances they shall not be used by the Artist on other projects or extensions of this project except pursuant to a subsequent agreement in writing between the Artist and the *contracting agency*.

25. *Notice*: The Artist agrees to notify the *contracting agency* of changes in his address within ninety (90) days of that change and failure to do so shall be deemed a waiver of Artist's rights listed in this Agreement.

All communications and notices required or permitted under this Agreement shall be in writing and shall be deemed sufficiently served if hand delivered or if sent by certified First Class Mail. Copies of all communications shall be sent to the Commission.

26. *Termination*: This Agreement may be terminated by the *contracting agency* upon written notice to the Artist in the event of failure by the Artist to perform in accordance with the terms of this Agreement.

Nothing herein shall abrogate any claims which the *contracting agency* may have against the Artist for failure to perform in accordance with this Agreement, including any claim for reimbursement of funds advanced to the Artist under section 7 above.

27. *Non-Waiver*: Except as expressly provided in this Agreement, no failure or waiver or successive failures or waivers on the part of either party hereto, their successors or permitted assigns, in the enforcement of any condition, Covenant, or Article, nor render the same invalid, nor impair the right of either party hereto, their successors to permitted assigns, to enforce the same in the event of any subsequent breaches by the other party hereto, its successors or permitted assigns.

28. *Modification of This Agreement*: This agreement may be amended or modified only if in writing and signed by the parties, and represents the entire agreement of the parties.

WITNESS:

CONTRACTING AGENCY:

BY: _____
(signature & title)

ARTIST:

APPROVED AS TO FORM:

AG

BPI

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

2. The second part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

3. The third part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

4. The fourth part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

5. The fifth part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

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