

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 243

H. P. 194

House of Representatives, January 31, 1979

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Amend the Laws Relating to the Maine Historic Preservation Commission.

Be it enacted by the People of the State of Maine, as follows:

27 MRSA §§ 502-501, as enacted by PL 1971, c. 536, § 1 and as amended, are repealed and the following enacted in their place:

§ 502. Maine Historic Preservation Commission

There shall be created within the Department of Educational and Cultural Services a bureau which shall be designated as the "Maine Historic Preservation Commission." It shall consist of 11 members made up as follows: The Commissioner or a representative of the Department of Transportation, and the Commissioner or a representative of the Department of Conservation, to serve ex officio, 9 representatives from among the citizens of Maine, one of whom shall be elected chairman, who are known for their competence, experience and interest in this field, including at least one prehistoric archaeologist, one historic archaeologist, one historian, one architectural historian and one architect, to be appointed by the Governor. In making these appointments, due consideration shall be given to the recommendations made by the representative professional, civic and educational associations and groups concerned with or engaged in the field of historic preservation.

§ 503. Membership

Upon the expiration of the term of existing members, the term of office of each appointed member shall be 5 years or until his successor is appointed and qualified. No member shall serve more than 2 successive terms. In the case of a vacancy, other than the expiration of a term, the appointment of a successor shall be appointed by the Governor for the balance of the term. The commission shall meet at least 4 times a year. It shall adopt and may amend bylaws for its internal organization and operation. The director shall serve as secretary to the commission. The members of the commission shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

§ 504. Duties

The commission shall set policy with regard to:

1. **Administration.** The steps which are necessary and relevant to encourage and stimulate public interest and participation in the historic, architectural and archaeological heritage of our State, and to advise the State Historic Preservation Officer with regard to liaison between the State and Federal Governments and public or private agencies or organizations interested in and participating in the field of historic preservation; and

2. **Programs.** The steps which are necessary to administer the program of the National Historic Preservation Act of 1966, and other private and governmental programs within the purposes of this chapter except in those areas specifically assigned by federal law to the State Historic Preservation Officer.

§ 505. Director

1. **Appointment.** The Maine Historic Preservation Commission may appoint a director, with the approval of the Commissioner of Educational and Cultural Services, who shall be qualified by special training or experience in the field of historic preservation and who shall also serve as the State Historic Preservation Officer upon appointment by the Governor and shall be subject to removal for cause under the Personnel Law.

2. Duties

A. The Maine Historic Preservation Commission shall be under the management and supervision of a director who shall make rules and regulations for the proper management of the bureau, subject to the approval of the Commissioner of Educational and Cultural Services.

B. The director may employ, subject to the personnel laws, such assistants as the business of the office may require.

C. The director shall, subject to the approval of the commission, accept gifts, devises, bequests and endowments for purposes, consistent with the purposes of this chapter. Any funds given as an endowment shall be invested by the Treasurer of State according to the laws governing investment of trust funds.

All gifts, devises, bequests and proceeds of endowment funds shall be used solely to carry out the purposes for which they were made.

§ 506. Hearings; contracts

The commission may hold public and private hearings related to the field of historic preservation. The director may enter into contracts, within the limit of funds available therefor, with individuals or organizations and institutions for services furthering the objectives of this chapter; and enter into contracts, within the limit of funds available therefor, with public or private, local or regional organizations or associations for cooperative endeavors furthering the objective of this chapter. The director may make recommendations to the commissioner regarding the acceptance of gifts, contributions, devises and bequests of funds and objects from individuals, foundations, corporations and other organizations, and institutional or governmental bodies for the purpose of furthering the objectives of this chapter.

§ 507. Assistance from other state agencies

The director may request from any department, division, board, bureau, commission or agency of the State such assistance and data as will enable him to properly carry out this chapter.

§ 508. Recommendations

The director shall make recommendations and give assistance to private and governmental bodies as consistent with the purposes of this chapter.

§ 509. Compliance with federal law

The State Historic Preservation Officer may adopt any regulation necessary to enable the State to comply with any law of the United States intended to promote public historic preservation services. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for programs related to the purposes of the Maine Historic Preservation Commission.

§ 510. Annual report

The Historic Preservation Director shall report to the commissioner annually the receipts and expenditures on account of the bureau, the number of acquisitions during the preceding year, specifying those obtained by purchases, donation and exchange, and shall make in that report suggestions in relation to the improvement of the Maine Historic Preservation Commission.

STATEMENT OF FACT

The purpose of this bill is to revise several procedures relating to the administration of the Maine Historic Preservation Commission in order to bring the agency into conformity with federal regulations and to establish it as a bureau in the Department of Educational and Cultural Services.