

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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§ 4812. Municipal control

Municipal units of government pursuant to presently existing enabling legislation are authorized to plan, zone and control the subdivision of land. With respect to the shoreland areas defined in section 4811, municipalities shall be given until June 30, 1973 to adopt zoning and subdivision control ordinances.

§ 4813. Municipal failure to accomplish purposes

If any municipality fails to adopt zoning and subdivision control ordinances for shoreland areas as defined in section 4811 by June 30, 1973 or if the Environmental Improvement Commission and the Maine Land Use Regulation Commission determine that particular municipal ordinances because of their laxity and permissiveness fail to accomplish the purposes outlined in section 4811, the Environmental Improvement Commission and the Maine Land Use Regulation Commission shall, following consultation with the State Planning Office, with respect to these shoreland areas, adopt suitable ordinances for these municipalities, which ordinances the respective municipalities shall then administer and enforce.

§ 4814. Cooperation

The Environmental Improvement Commission, the Maine Land Use Regulation Commission, municipalities and all state agencies shall mutually cooperate to accomplish the objectives of this chapter. To that end, these commissions shall consult with the governing bodies of municipalities and to whatever extent necessary with other state agencies to secure voluntary uniformity of regulations, so far as practicable, and shall extend all possible assistance therefor.

Effective September 23, 1971

Chapter 536

AN ACT to Create the Maine Historic Preservation Commission.

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

Sec. 1. R. S., T. 27, c. 17, additional. Title 27 of the Revised Statutes is amended by adding a new chapter 17 to read as follows:

CHAPTER 17

MAINE HISTORIC PRESERVATION COMMISSION

§ 501. Declaration of policy

The Legislature declares it is the policy of the State that in order to preserve the architectural, historic and environmental heritage of the people of the State, and to develop and promote the cultural, educational and economic

benefits of these resources, there is established the Maine Historic Preservation Commission.

§ 502. Commission

There is created and established a state commission to be known as the "Maine Historic Preservation Commission" to consist of not less than 12 nor more than 15 members made up as follows: Director or representative of the Arts and Humanities Commission, chairman or representative of the State Highway Commission, director or representative of the Maine State Museum Commission, director or representative of the State Parks and Recreation Commission, director or representative of the State Planning Office and director or representative of the Environmental Improvement Commission to serve ex officio and a minimum of 7 representatives from among 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 archeologist, one historian and one architect, to be appointed by the Governor with the advice and consent of the Council. In making such 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

The term of office of each member shall be 5 years; provided that of those members first appointed, 5 shall be appointed for terms of 2 years, 5 for 4 years and the remainder for 5 years. Their successors shall be appointed for 5 years. Each member shall serve for the term of his appointment and thereafter until his successor is appointed and qualified but in no event more than 2 consecutive terms. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments.

Members shall serve without compensation but shall receive their necessary expenses.

§ 504. Duties

The duties of the commission shall be:

1. Administration. To take those steps necessary and relevant to encourage and stimulate public interest and participation in the architectural and historic heritage of our State, provide 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. To administer the program of the National Historic Preservation Act of 1966, and other private and governmental programs within the purposes of this commission; and
3. Register of historic places. To prepare a State Register of Historic Places; and
4. Acceptance of gifts and bequests. To accept gifts, devises, bequests and endowments for purposes consistent with the purposes of this commis-

sion. 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; provided, however, that the commission shall not accept any gifts, devises or bequests without the consent of the Governor and Council that will require the expenditure of any state, federal or federal-matching funds for its repair, maintenance, preservation or operation; and

5. Biennial report. To report, biennially, to the Governor and Legislature facts and recommendations relating to the work and needs of this commission; and

6. Rules and regulations. To promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter.

§ 505. Director

The Maine Historic Preservation Commission may appoint a director who shall be qualified by special training or experience in the field of historic preservation. He shall serve at the will and pleasure of the commission and may be removed for cause. Compensation of the director shall be established by the commission with the approval of the Governor and Council. The powers and duties of the director shall be prescribed by the commission.

§ 506. Hearings; contracts

The commission is authorized and empowered to hold public and private hearings related to the field of historic preservation and to enter into contracts within the limit of funds available therefor with individuals or organizations and institutions for services furthering the objectives of the commission's programs; to 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 commission's programs; approve the acceptance or, when necessary, make initial approval and recommendations for acceptance to the Governor and Council, 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 commission's programs; to make and sign any agreements and to do and perform any acts that may be necessary to carry out the purposes of this chapter.

§ 507. Assistance from other state agencies

The commission may request and shall receive from any department, division, board, bureau, commission or agency of the State such assistance and data as will enable it properly to carry out its powers and duties hereunder.

§ 508. Recommendations

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

§ 509. Funds

The commission shall be the official agency of the State to receive and disburse any and all funds made available by the Federal Government for programs related to the purposes of the commission.

§ 510. Reports

The commission shall approve the report of the director to the Governor and the Legislature not later than January 1, 1973 and thereafter within 10 days after the commencement of each regular session of the State Legislature.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Maine Historic Preservation Commission the sum of \$31,325. The breakdown shall be as follows:

	1971-72	1972-73
MAINE HISTORIC PRESERVATION COMMISSION		
Personal Services	(2) \$10,125	(3) \$13,500
All Other	3,000	3,500
Capital Expenditures	1,000	200
	\$14,125	\$17,200

Effective September 23, 1971

Chapter 537

AN ACT Relating to the Parks and Recreation Department.

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

Sec. 1. R. S., T. 12, § 602, amended. The first 2 paragraphs of section 602 of Title 12 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

The Parks and Recreation Department, hereinafter in this Title called the "department," is hereby established and shall exercise such powers and perform such duties as are set forth in this Title. The Parks and Recreation Department shall consist of a Commissioner of Parks and Recreation, hereinafter called the "commissioner," and such official and clerical staff as are provided for. The Maine State Park and Recreation Commission is hereby abolished and all the powers, duties, rights, responsibilities, liabilities and functions of any kind or nature, which have been, until the effective date of this Act, reposed in the Maine State Park and Recreation Commission by any public or private law or by any lease, grant, contract or other legal transaction, are hereby vested in the commissioner. The Governor, with the advice and consent of the Council, shall appoint a commissioner of Parks and Recreation whenever a vacancy occurs. The commissioner shall hold office during the tenure of the Governor and shall serve until his successor is appointed and qualified.

The department shall have jurisdiction, custody and control in, over and upon all state parks and memorials and national parks which are under con-