

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1627

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H. P. 1177

House of Representatives, March 17, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Birt of East Millinocket.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT to Create the Department of Cultural Resources.

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

Sec. 1. R. S., T. 27, § 1, amended. The first 2 sentences of section 1 of Title 27 of the Revised Statutes are repealed and the following enacted in place thereof:

The Maine State Library, a bureau of the Department of Cultural Resources, shall be under the management and supervision of a State Librarian who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents. The Secretary of Cultural Resources shall appoint such librarian subject to the Personnel Law.

Sec. 2. R. S., T. 27, § 83, repealed and replaced. Section 83 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 502 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 83. Powers and duties of commission

The general powers and duties of the commission are:

1. Advice. To advise the Museum Director and the Secretary of Cultural Resources in the maintenance, improvement and goals of the Maine State Museum.

2. Director's duties. To advise the Secretary of Cultural Resources and the Museum Director on the museum director's duties and the administration of the museum.

3. Recommendations. To make recommendations to the secretary, the director and to the Governor for such legislation as may be necessary to improve the functioning of the Maine State Museum.

Sec. 3. R. S., T. 27, § 84, repealed and replaced. Section 84 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 502 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 84. Museum Director

The Secretary of Cultural Resources shall appoint a Museum Director subject to the Personnel Law.

Sec. 4. R. S., T. 27, § 85, sub-§ 1, amended. Subsection 1 of section 85 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 502 of the public laws of 1965, is amended to read as follows:

1. Duties prescribed. To perform the duties which are prescribed for him by the ~~commission~~ Secretary of Cultural Resources.

Sec. 5. R. S., T. 27, § 261, amended. The first sentence of section 261 of Title 27 of the Revised Statutes is repealed and the following enacted in place thereof:

A State Historian shall be appointed by the Secretary of Cultural Resources to serve at the secretary's pleasure.

Sec. 6. R. S., T. 27, § 301, repealed. Section 301 of Title 27 of the Revised Statutes is repealed.

Sec. 7. R. S., T. 27, § 302, amended. The first sentence of section 302 of Title 27 of the Revised Statutes is amended to read as follows:

The ~~Art Commission~~ Maine State Commission on the Arts and the Humanities as established in section 401 shall act in an advisory capacity relative to the creation, acquisition, construction, erection or remodeling by the State of any work of art.

Sec. 8. R. S., T. 27, § 403, repealed and replaced. Section 403 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 499 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 403. Employees

The Secretary of Cultural Resources may employ, subject to the Personnel Law, such employees as may be necessary to carry out this chapter.

Sec. 9. 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  
CULTURAL RESOURCES

§ 501. Department

There is created and established a state department, to be known as the Department of Cultural Resources to provide a coordinated, integrated system

of cultural resources programs and projects for the public education of citizens of all ages throughout the State and to stimulate interest, support and participation in the cultural heritage, institutions and activities of Maine, both at the state and local level. The department shall consist of a Secretary of Cultural Resources, who shall be appointed by the Governor, with the advice and consent of the Council, to serve at the pleasure of the Governor, and the Maine State Commission on the Arts and Humanities, the State Museum, the Maine State Museum Commission, the State Historian and the Maine State Library as heretofore established and created. The secretary shall be the chief administrative officer of the department and shall receive such salary as may be set by the Governor with the advice and consent of the Council.

§ 502. Powers and duties of secretary

The secretary shall have all powers necessary to effectively administer the laws, orders and regulations for which the Department of Cultural Resources is responsible including but not limited to the power to accept, administer and disburse real and personal property, both tangible and intangible, whether by gift, grant, devise, conveyance or other transfer, from any source, the power to promulgate reasonable rules and orders necessary to effectively exercise his powers and duties and the power to delegate, with appropriate standards and guidelines, his powers and duties.

Sec. 10. Effective date. This Act shall take effect July 1, 1973, however, the authority to appoint a secretary under section 9 of this Act, shall take effect 91 days following adjournment of the Legislature and he shall be responsible for budget planning, preparation and submission for the 1973-75 biennium.

#### STATEMENT OF FACT

This legislation establishes a Department of Cultural Resources as set out in section 9 of this Act and phases in the transfer of executive authority over the component parts to the Secretary of Cultural Resources.