

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2439

S. P. 876

In Senate, January 24, 1974

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

HARRY N. STARBRANCH, Secretary

Presented by Senator MacLeod of Penobscot, **BY REQUEST.**

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT Combining the Maine Historic Commission and
the State Museum Bureau.**

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

Sec. 1. R. S., T. 27, c. 19, additional. Title 27 of the Revised Statutes is amended by adding a new chapter 19 to read as follows:

CHAPTER 19

ADVISORY BOARD OF HISTORIC PRESERVATION

§ 551. Declaration of policy

The Legislature declares it is the policy of the State 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 within the Department of Educational and Cultural Services, the Advisory Board of Historic Preservation.

§ 552. Advisory board

There is created and established an Advisory Board of Historic Preservation that shall consist of 11 members made up as follows: The Commissioner or representative of the Department of Conservation, Director or representative of the State Planning Office, Commissioner or representative of the Department of Transportation and 8 representatives from among the citizens of Maine, including at least one archeologist, one historian and one architect, to be appointed by the Commissioner of Educational and Cultural

Services. In making such appointments, due consideration shall be given to maintaining a balanced geographical representation from different areas of the State.

§ 553. Membership

The membership of the advisory board shall consist of the 3 above-mentioned state agencies on a permanent basis and the initial 8 members drawn from the citizens of Maine shall consist of the 8 public members of the Maine Historic Preservation Commission as it existed on December 1, 1974. The term of each member shall be 5 years from the effective date of this Act, provided that of the first members appointed, one shall be appointed for a term of one year; one for a term of 2 years; 2 for terms of 3 years; 2 for terms of 4 years and 2 for terms of 5 years. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. The commissioner shall designate a chairman and vice-chairman from the membership to serve at his pleasure.

§ 554. State review body

The state review body, required under the provisions of the National Historic Preservation Act of 1966, shall consist of no less than 5 members drawn from the advisory board. These members shall include an archeologist, an historian and an architect from the public members and shall include the Commissioner of the Department of Transportation or his representative and the Director of the State Planning Office or his representative.

The membership of this state review body may be amended to conform to future amendments to the National Historic Preservation Act of 1966, without need of legislative action.

Members shall serve without compensation, but shall receive their necessary expenses at the discretion of the State Historic Preservation Officer.

§ 555. Duties

The duties of the Advisory Board of Historic Preservation 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;

2. Programs. To administer the program of the National Historic Preservation Act of 1966; and

3. Acceptance of gifts and bequests. To accept gifts, devises, bequest and endowments for purposes consistent with the purposes of this chapter. Any funds given as 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 that the advisory board shall not accept any gifts, devises or bequests without the approval of the

commissioner and 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.

§ 556. State Historic Preservation Officer

The State Historic Preservation Officer shall be transferred to the Advisory Board of Historic Preservation and his position shall be classified. The State Historic Preservation Officer shall in the future be hired under the State Personnel Law. The State Historic Preservation Officer shall direct the Advisory Board of Historic Preservation and report to the Director of the Museum Division. The State Historic Preservation Officer shall, subject to approval of the commissioner, retain the authority to carry out his responsibilities under the National Historic Preservation Act of 1966. These responsibilities include liaison between the Federal Government and the State of Maine on all matters concerning the National Historic Preservation Act of 1966 and the responsibilities for the disbursement of federal funds made available under that program.

§ 557. Hearings; contracts

The advisory board 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 its 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 its 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 and other organizations and institutional or governmental bodies for the purpose of furthering its 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.

§ 558. Assistance from other state agencies

The advisory board 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 under this chapter.

§ 559. Recommendations

The advisory board shall make recommendations and give assistance to private and governmental bodies as consistent with the purpose of this chapter.

§ 600. Funds

The advisory board 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 board.

Sec. 2. R. S., T. 27, c. 17, repealed. Chapter 17 of Title 27 of the Revised Statutes, as enacted by section 1 of chapter 536 of the public laws of 1971 and as amended, is repealed.

STATEMENT OF FACT

This Act implements Management and Cost Survey Recommendation No. 2, Historic Preservation Commission, by combining the administrative activities and staff of the Historic Preservation Commission with those of the State Museum Bureau.

This bill was supported by Governor Curtis in his Special Message to the 106th Special Session of the Maine Legislature on January 10, 1974.