

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1440

H. P. 1192

House of Representatives, April 4, 1977

On motion of Mr. Curran of South Portland, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Stubbs of Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Promote the Preservation of Historic Districts within the
State of Maine.

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

23 MRSA c. 20 is enacted to read:

CHAPTER 20

HIGHWAY ALTERATION PROJECTS WITHIN
HISTORIC DISTRICTS

§ 1801. Definitions

As used in this chapter, unless a different meaning is clearly required by the context, the following words shall have the following meanings.

1. Alter. "Alter" means any change in the flow of pedestrian and vehicular traffic and parking. This shall include the change of 2-way traffic to one-way traffic, the change of the number of traffic lanes in a highway, railroad or public ways and the elimination of any pedestrian ways, highways or vehicular parking.

2. Construct. "Construct" means the building of a new highway, railroad or public way where either there was none before or an alternate location to an existing highway, railroad or public way.

3. Department. "Department" means the Department of Transportation.

4. Historic district. "Historic district" means a historic district on the National Register of Historic Places.

5. National Register of Historic Places. "National Register of Historic Places" means a national register of historic places as defined under federal statutes, Public Law 89-665, Title 1, section 101.

6. Reconstruct. "Reconstruct" means the rebuilding of an existing highway, railroad or public way on a new elevation requiring the permanent acquisition of new right-of-way in fee or easement. This shall not be deemed to include the repair and maintenance of existing facilities.

7. Starting date. "Starting date" means the date the Commissioner of Transportation agrees with the recommendation of the department's Bureau of Transportation Planning and Services or some other subdivision of the department and directs the implementation of a project as a result of having received a feasibility study from the Bureau of Transportation Planning and Services or request from another subdivision of the department that it has determined it is in the public interest to proceed with a proposed project.

§ 1802. Alteration, construction or reconstruction in historic district

The Department of Transportation or its agent shall not either as a principal, or agent for others, construct, reconstruct or alter any highway, railroad or other public way which is wholly or partly under its jurisdiction within a historic district on the National Register of Historic Districts prior to mailing by registered mail or delivering by hand to the chief executive officer of a municipality a copy of all plans and related documents of any proposed department project within or 1000 feet of a historic district in that municipality within 90 days after the proposed starting date of that project. Notice shall also be given to the director of the Historic Preservation Commission in the same manner as prescribed in this paragraph.

Within 60 days after receipt of the plans and documents, the chief executive officer shall call a public meeting or meetings of the legislative body of the municipality for the purposes of either approving or disapproving the department's project. The participation and testimony of historians, members of the public, and officials of the department shall actively be encouraged at that meeting. Failure of the legislative body to act within the 60-day period shall constitute approval of the project.

Failure of the legislative body, by a majority vote in public session, to approve the project shall require the department to either abandon the project or modify their plans so that they are acceptable to the legislative body. In the event a modification is made, another public meeting shall be called at which time approval shall be granted if the project is to proceed. In the event that the plans are modified to relocate the project outside of the area described in paragraph 1, then no meeting is necessary.

Nothing in this section shall be deemed to supersede or negate any other state or federal laws governing department projects. It is not the intent of this statute to prohibit the repair of disaster-destroyed highways, railroads or other public ways in a manner which will return them to their former condition, or the normal maintenance of highways, railroads or other public ways.

STATEMENT OF FACT

The purpose of this bill is to allow local control and participation in any project of the Department of Transportation that might disrupt a local historic district. This bill provides that the final determination shall be made locally by the people and insures a maximum of protection for the 30 historic districts in the State of Maine. It is vital that we preserve our heritage for future generations of Americans.