

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2148

S.P. 826

In Senate, January 26, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on State and Local Government suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by President PRAY of Penobscot.

Cosponsored by Representative MURPHY of Kennebunk, Speaker MARTIN of Eagle Lake, Senator PERKINS of Hancock.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT to Create a State  
Capitol Commission.

1  
2  
3  
4

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

7 Sec. 1. 3 MRSA c. 31 is enacted to read:

8

CHAPTER 31

1                    STATE CAPITOL COMMISSION

2   §901. State Capitol Commission

3        1. Commission established; membership. The State  
4   Capitol Commission, as established in Title 5, section  
5   12004, subsection 10, in this chapter called the  
6   "commission", shall consist of 12 members appointed as  
7   follows:

8            A. The Director of the Maine Historic  
9   Preservation Commission, who shall be the  
10   permanent chairman of the commission;

11           B. Six members of the public, of whom 4 shall be  
12   appointed jointly by the Speaker of the House and  
13   the President of the Senate, and 2 by the  
14   Governor; and

15           C. The Director of the Maine State Museum, the  
16   Director of the Maine Arts Commission, the  
17   Director of the Bureau of Public Improvements, the  
18   Chairman of the Capitol Planning Commission and  
19   the Executive Director of Legislative Council, who  
20   shall be members ex officio and have no vote.

21        2. Purpose. The commission shall approve any  
22   architectural, aesthetic and decorative alterations to  
23   the State Capitol Building and shall develop plans to  
24   preserve and develop the aesthetic and historical  
25   integrity of the State Capitol Building and adjacent  
26   grounds.

27        3. Terms. Each public member shall be appointed  
28   to serve a term of 2 years. A member shall serve  
29   until a successor is appointed. A vacancy shall be  
30   filled as soon as practicable by appointment for the  
31   unexpired term in the manner of the original  
32   appointment.

33        4. Reimbursements. Members shall serve on the  
34   commission without pay, but shall be reimbursed for  
35   their expenses and travel upon application to the  
36   Legislative Council and in accordance with Title 5,

1 chapter 379.

2 5. Meetings; decisions; quorum. The commission  
3 shall meet at least quarterly on the call of the  
4 chairman. Decisions shall be made by a majority of  
5 those present and voting. A quorum shall be a  
6 majority of the voting members of the commission.

7 6. Rules. The commission, in accordance with the  
8 Maine Administrative Procedure Act, Title 5, chapter  
9 375, shall adopt all rules necessary or desirable for  
10 it to carry out the functions assigned it by sections  
11 901, 902, 904 and 905. The Maine Historic  
12 Preservation Commission shall serve as the secretariat  
13 in exercising the administration of the State Capitol  
14 Commission.

15 §902. Duties of the commission

16 1. Plan. The commission, with the assistance of  
17 the Executive Director of the Legislative Council,  
18 shall adopt a plan for the preservation and  
19 development of the aesthetic and historical integrity  
20 of the State Capitol Building and adjacent grounds.  
21 The commission shall submit the plan to the  
22 Legislative Council by January 29, 1989, for adoption  
23 as the official state plan for the preservation and  
24 development of the aesthetic and historical integrity  
25 of the State Capitol Building. From time to time, the  
26 commission may submit any additional amendments as it  
27 deems necessary to the Legislative Council for  
28 adoption and inclusion in the plan.

29 2. Jurisdiction. The commission shall have  
30 jurisdiction over the entire exterior and interior of  
31 the State Capitol Building and its immediate grounds,  
32 except that the private office of the Governor, at his  
33 discretion, shall be exempt from this chapter.

34 3. Alterations. The Bureau of Public  
35 Improvements shall make no architectural, aesthetic or  
36 decorative addition, deletion or change to any  
37 external or internal part of the State Capitol  
38 Building or its immediate grounds under the

1 jurisdiction of the commission unless the commission  
2 has approved the change in writing.

3 4. Research; publication. The commission shall  
4 conduct research into the history of the State Capitol  
5 Building, the results of which will guide the  
6 commission in the preservation and development of the  
7 building's aesthetic and historical integrity. The  
8 commission shall publish and distribute this research  
9 to enhance public understanding and appreciation of  
10 the State Capitol Building.

11 §903. Advice and assistance to commission

12 The commission may request the assistance and  
13 advice of any state agency in the administration of  
14 its duties. Any state agency receiving a request  
15 shall render any assistance and advice to the  
16 commission.

17 §904. Report to the Legislature

18 The commission shall report biennially to the  
19 Legislature facts and recommendations relating to the  
20 work and needs of the commission. The commission  
21 shall list all activities and projects initiated,  
22 completed or proposed during the next biennium which  
23 concern the preservation and development of the  
24 aesthetic and historical integrity of the State  
25 Capitol Building.

26 §905. Contributions

27 The commission may accept gifts, bequests and  
28 federal funds for purposes consistent with the  
29 objectives of this chapter. These gifts and bequests  
30 shall be used solely to carry out the purposes for  
31 which they were made. Gifts may include furnishings  
32 or other artifacts.

33 Sec. 2. 5 MRS §12004, sub-§10, ¶A, sub-¶(74-A)  
34 is enacted to read:

1     (74-A)        State            State            Expenses        3 MRSA  
2                    Government       Capitol        Only            \$901  
3                                    Commission

4            Sec. 3.        27 MRSA §86-A, first paragraph, as  
5 enacted by PL 1971, c. 401, §1, is amended to read:

6            The Maine State Museum shall hold title as trustee  
7 for the State, to all historical materials, other than  
8 documents or other library or archival items under the  
9 administrative jurisdiction of the Maine State Library  
10 or the Maine State Archives, which are or may become  
11 the property of the State and are or may be housed in  
12 the public buildings of the State, excluding the State  
13 Capitol Building. Such historical materials shall  
14 include the banners and flags presently housed in  
15 the State House Hall of Flags and may include, but  
16 shall not be restricted to, paintings, sculptures and  
17 other works of art dealing with historic subjects or  
18 executed by historically significant artists; flags,  
19 banners, insignia, medals, firearms, edged weapons,  
20 uniforms and other accoutrements relating to Maine  
21 military personnel or units; furnishings, utensils,  
22 implements, tools, machinery and other devices having  
23 particular historical significance to the State.

24            Sec. 4.        27 MRSA §404, sub-§4, as enacted by PL  
25 1971, c. 485, §2, is amended to read:

26            4. Works of art. To act in an advisory capacity  
27 relative to the creation, acquisition, construction or  
28 erection by the State of any work of art, to file with  
29 the Governor, within 30 days, its opinion of such  
30 proposed work of art together with such suggestions  
31 and recommendations as it may deem proper. The term  
32 "work of art" as used in this subsection shall include  
33 any painting, portrait, mural, decoration, stained  
34 glass, statue, tablet, bas-relief, ornament, fountain  
35 or other article or structure of a permanent character  
36 intended for decoration or commemoration but shall not  
37 include "historical materials" administered by the  
38 Maine State Museum Commission nor the State Capitol  
39 Building, including its exterior, interior, fixtures  
40 or decorations.

1        Sec. 5. Appropriation. The following funds are  
2 appropriated from the General Fund to carry out the  
3 purposes of this Act.

4		<u>1988-89</u>
5	<u>STATE CAPITOL COMMISSION</u>	
6	All Other	\$15,000

7   STATEMENT OF FACT

8        This bill creates a State Capitol Commission to  
9 preserve and develop the aesthetic and historical  
10 integrity of the State Capitol Building and adjacent  
11 grounds.

12   4196120787