

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)

(New Draft of S.P. 826, L.D. 2148)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2563

S.P. 966

In Senate, March 22, 1988

Reported by Senator TUTTLE of York for the Committee on State and Local Government and printed under Joint Rule 2. Original Bill sponsored by President PRAY of Penobscot. Cosponsored by: Representative MURPHY of Kennebunk, Speaker MARTIN of Eagle Lake, Senator PERKINS of Hancock.

JOY J. O'BRIEN, Secretary of the Senate

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

6 Sec. 1. 3 MRSA §162, sub-§12, ¶A is enacted to
7 read:

8 A. The Legislative Council, in accordance with

1 chapter 31, following consultation with the joint
2 standing committee of the Legislature having
3 jurisdiction over state and local government, may
4 approve and adopt official state plans for the
5 preservation and development of the aesthetic and
6 historical integrity of the State Capitol Building
7 and its immediate grounds.

8 Sec. 2. 3 MRSA c. 31 is enacted to read:

9 CHAPTER 31

10 STATE CAPITOL COMMISSION

11 §901. State Capitol Commission

12 The State Capitol Commission, as established in
13 Title 5, section 12004, subsection 10, in this chapter
14 called the "commission," shall consist of 7 voting
15 members and 5 ex officio, nonvoting members who shall
16 be appointed and shall serve as described in this
17 section.

18 1. Voting members; appointment. Voting members of
19 the commission shall be appointed as follows:

20 A. The Director of the Maine Historic
21 Preservation Commission, who shall be the
22 permanent chairman of the commission; and

23 B. Six members of the public, 4 of whom shall be
24 appointed jointly by the Speaker of the House and
25 the President of the Senate, and 2 by the Governor.

26 2. Ex officio nonvoting members. The ex officio
27 nonvoting members of the commission shall be as
28 follows;

29 A. The Director of the Maine State Museum;

30 B The Director of the Maine Arts Commission;

31 C. The Director of the Bureau of Public
32 Improvements;

1 D. The Chairman of the Capitol Planning
2 Commission; and

3 E. The Executive Director of the Legislative
4 Council.

5 3. Purpose. The commission shall approve any
6 architectural, aesthetic and decorative alterations to
7 the State Capitol Building and shall develop plans to
8 preserve and develop the aesthetic and historical
9 integrity of the State Capitol Building and adjacent
10 grounds.

11 4. Terms. Each public member shall be appointed
12 to serve a term of 2 years. A member shall serve
13 until a successor is appointed. A vacancy shall be
14 filled as soon as practicable by appointment for the
15 unexpired term in the manner of the original
16 appointment.

17 5. Reimbursements. Members shall serve on the
18 commission without pay, but shall be reimbursed for
19 their expenses and travel upon application to the
20 Legislative Council and in accordance with Title 5,
21 chapter 379.

22 6. Meetings; decision; quorum. The commission
23 shall meet at least quarterly on the call of the
24 chairman. Decisions shall be made by a majority of
25 those present and voting. A quorum shall be a
26 majority of the voting members of the commission.

27 7. Rules. The commission, in accordance with the
28 Maine Administrative Procedure Act, Title 5, chapter
29 375, shall adopt all rules necessary or desirable for
30 it to carry out the functions assigned it by sections
31 901, 902, 904 and 905. The Maine Historic
32 Preservation Commission shall serve as the secretariat
33 in exercising the administration of the State Capitol
34 Commission.

35 §902. Duties of the commission

36 1. Plan. The commission, with the assistance of
37 the Executive Director of the Legislative Council,

1 shall develop a plan for the preservation and
2 development of the aesthetic and historical integrity
3 of the State Capitol Building and adjacent grounds.
4 During the first week in January, 1989, the commission
5 shall submit the plan to the joint standing committee
6 of the Legislature having jurisdiction over state and
7 local government. The commission shall submit the
8 plan to the Legislative Council by January 29, 1989,
9 pursuant to section 162, subsection 12, for adoption
10 as the official state plan for the preservation and
11 development of the aesthetic and historical integrity
12 of the State Capitol Building. From time to time, the
13 commission may submit any additional amendments as it
14 deems necessary to the Legislative Council for
15 adoption and inclusion in the plan. Thirty days prior
16 to submission of the amendments to the Legislative
17 Council, the commission shall submit these proposed
18 amendments to the joint standing committee of the
19 Legislature having jurisdiction over state and local
20 government for review and comment.

21 2. Jurisdiction. With respect to section 901,
22 subsection 3, the commission shall have jurisdiction
23 over the entire exterior and interior of the State
24 Capitol Building and its immediate grounds, except
25 that the private office of the Governor, at the
26 Governor's discretion, shall be exempt from this
27 chapter.

28 3. Alterations. The Bureau of Public
29 Improvements shall make no architectural, aesthetic or
30 decorative addition, deletion or change to any
31 external or internal part of the State Capitol
32 Building or its immediate grounds under the
33 jurisdiction of the commission unless the commission
34 has approved the change in writing in conformance with
35 the plan adopted by the Legislative Council.

36 4. Research; publication. The commission shall
37 conduct research into the history of the State Capitol
38 Building, the results of which will guide the
39 commission in the preservation and development of the
40 building's aesthetic and historical integrity. The
41 commission shall publish and distribute this research
42 to enhance public understanding and appreciation of

1 the State Capitol Building.

2 §903. Advice and assistance to commission

3 The commission may request the assistance and
4 advice of any state agency in the administration of
5 its duties. Any state agency receiving a request
6 shall render any assistance and advice to the
7 commission.

8 §904. Report to the Legislature

9 The commission shall report biennially to the
10 joint standing committee of the Legislature having
11 jurisdiction over state and local government and to
12 the Legislative Council facts and recommendations
13 relating to the work and needs of the commission. The
14 commission shall list all activities and projects
15 initiated, completed or proposed during the next
16 biennium which concern the preservation and
17 development of the aesthetic and historical integrity
18 of the State Capitol Building.

19 §905. Contributions

20 The commission may accept gifts, bequests and
21 federal funds for purposes consistent with the
22 objectives of this chapter. These gifts, bequests and
23 federal funds shall be used solely to carry out the
24 purposes for which they were made. Gifts may include
25 furnishings or other artifacts.

26 Sec. 3. 5 MRSA §298, sub-§4, 4th ¶, as repealed
27 and replaced by PL 1979, c. 598, §1, is amended to
28 read:

29 The Director of Public Improvements shall serve as
30 the secretariat of the commission in exercising its
31 administration. The commission may, in accordance
32 with the Maine Administrative Procedure Act, chapter
33 375, make adopt and enforce such rules and
34 regulations as it deems necessary, except rules
35 relating to the State Capitol Building under the
36 jurisdiction of the State Capitol Commission, as it
37 deems necessary for the purposes of carrying out this

1 chapter. These rules shall have the full force and
2 effect of law.

3 Sec. 4. 5 MRSA §299, first ¶, as amended by PL
4 1975, c. 647, §1, is further amended to read:

5 The commission shall establish and maintain a
6 master plan for the orderly development of future
7 state buildings and grounds in the Capitol Area of the
8 City of Augusta, with the exception of the State
9 Capitol Building and its immediate grounds. In
10 maintaining the master plan, the commission shall take
11 the following factors into consideration:

12 Sec. 5. 5 MRSA §12004, sub-§10, ¶A, sub-¶(74-A)
13 is enacted to read:

14	<u>(74-A)</u>	<u>State</u>	<u>State</u>	<u>Expenses</u>	<u>3 MRSA</u>
15		<u>Government</u>	<u>Capitol</u>	<u>Only</u>	<u>\$901</u>
16			<u>Commission</u>		

17 Sec. 6. 27 MRSA §86-A, first ¶, as enacted by
18 PL 1971, c. 401, §1, is amended to read:

19 The Maine State Museum shall hold title, as
20 trustee for the State, to all historical materials,
21 other than documents or other library or archival
22 items under the administrative jurisdiction of the
23 Maine State Library or the Maine State Archives, which
24 are or may become the property of the State and are or
25 may be housed in the public buildings of the State.
26 Such historical materials shall include the banners
27 and flags presently housed in the State House Hall of
28 Flags and may include, but shall not be restricted to,
29 paintings, sculptures and other works of art dealing
30 with historic subjects or executed by historically
31 significant artists; flags, banners, insignia, medals,
32 firearms, edged weapons, uniforms and other
33 accoutrements relating to Maine military personnel or
34 units; furnishings, utensils, implements, tools,
35 machinery and other devices having particular
36 historical significance to the State. The State
37 Capitol Building shall be in the jurisdiction of the
38 State Capitol Commission.

1 joint standing committee of the Legislature having
2 jurisdiction over state and local government matters
3 in considering a master plan for the State Capitol
4 Building in order to obtain the perspective of the
5 legislative committee which considers legislation
6 dealing with state property;

7 3. The male gender reference to the Governor is
8 made gender neutral; and

9 4. The trusteeship of the Maine State Museum is
10 maintained with respect to the historical materials
11 and artifacts as well as the paintings and sculptures
12 in the State Capitol Building. The State Capitol
13 Building remains in the jurisdiction of the State
14 Capitol Commission.

15

4959030788