

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1246

S.P. 461

In Senate, April 19, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CLARK of Cumberland.

Cosponsored by Speaker MARTIN of Eagle Lake, Senator PERKINS of Hancock and Representative WEBSTER of Cape Elizabeth.

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STATE OF MAINE

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

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An Act to Amend the Law Governing the State Capitol Commission.

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(EMERGENCY)  
(After Deadline)



1           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
3 as emergencies; and

5           Whereas, the State Capitol Commission is entrusted with the  
task of developing a plan for the preservation and development of  
7 the aesthetic and historical integrity of the State Capitol and  
its adjacent grounds; and

9           Whereas, preservation of the Capitol Park area is an  
11 integral and necessary component of successfully completing this  
task; and

13           Whereas, development of the plan requires the active  
15 participation and attention of the Director of the State Capitol  
Commission; and

17           Whereas, in the judgment of the Legislature, these facts  
19 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
21 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

25           **Sec. 1. 3 MRSA §901, first ¶,** as enacted by PL 1987, c. 816, Pt.  
27 EE, §1, is amended to read:

29           The State Capitol Commission, as established in Title 5,  
section 12004, subsection 10, in this chapter called the  
31 "commission," shall consist of ~~10~~ 11 voting members and 5 ex  
officio, nonvoting members who shall be appointed and shall serve  
33 as described in this section.

35           **Sec. 2. 3 MRSA §901, sub-§1, ¶¶A to C,** as enacted by PL 1987,  
c. 816, Pt. EE, §1, are amended to read:

37           A. The Director of the Maine Historic Preservation  
39 Commission, who shall be the permanent ~~chairman~~ chair of the  
commission;

41           B. Six members of the public, 4 of whom shall be appointed  
43 jointly by the Speaker of the House and the President of the  
Senate, and 2 by the Governor; and

45           C. The Governor, Speaker of the House, President of the  
47 Senate or their representatives; and

49           **Sec. 3. 3 MRSA §901, sub-§1, ¶D** is enacted to read:

51           D. The Director of the State Capitol Commission, who shall  
be appointed by the Legislative Council.

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2           **Sec. 4. 3 MRSA §901, sub-§2, ¶D**, as enacted by PL 1987, c. 816,  
3 Pt. EE, §1, is amended to read:

5           D. The ~~Chairman~~ Chair of the Capitol Planning Commission;  
6 and

7  
8           **Sec. 5. 3 MRSA §901, sub-§3**, as enacted by PL 1987, c. 816,  
9 Pt. EE, §1, is amended to read:

11           3. Purpose. The commission shall approve any  
12 architectural, aesthetic and decorative alterations to the State  
13 Capitol Building and shall develop plans to preserve and develop  
14 the aesthetic and historical integrity of the State Capitol  
15 Building and adjacent grounds specified in section 902,  
16 subsection 2.

17  
18           **Sec. 6. 3 MRSA §902, sub-§§1 and 2**, as enacted by PL 1987, c.  
19 816, Pt. EE, §1, are amended to read:

21           1. Plan. The commission, with the assistance of the  
22 Executive Director of the Legislative Council, shall develop a  
23 plan for the preservation and development of the aesthetic and  
24 historical integrity of the State Capitol Building and adjacent  
25 grounds specified in subsection 2. During the first week in  
26 January, 1989, the commission shall submit an interim report  
27 indicating its progress on the plan to the Legislative Council  
28 and Governor. Upon receipt of the commission's completed plan,  
29 the Legislative Council may submit the plan to the Legislature  
30 for adoption and enactment as the official state plan for the  
31 preservation and development of the aesthetic and historical  
32 integrity of the State Capitol Building. From time to time the  
33 commission may submit additional amendments for inclusion in the  
34 plan which may be submitted to the Legislative Council for  
35 adoption and enactment by the Legislature.

37           2. Jurisdiction. With respect to section 901, subsection  
38 3, the commission shall have jurisdiction over the entire  
39 exterior and interior of the State Capitol Building and its  
40 immediate adjacent grounds, including Capitol Park, the area  
41 bounded on the east by the Kennebec River, on the north by  
42 Capitol Street, on the south by Union Street and on the west by  
43 State Street, except that the private office of the Governor, at  
44 the Governor's discretion, shall be exempt from this chapter. To  
45 ensure that the portion of Capitol Park that is controlled by the  
46 City of Augusta can remain integrated with the portion of Capitol  
47 Park that is controlled by the State, the commission may, in  
48 consultation with the City of Augusta, plan for the preservation  
49 and development of a unified park area.

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Sec. 7. 5 MRSA §299, first ¶, as amended by PL 1987, c. 816, Pt. EE, §4, is further amended to read:

The commission shall establish and maintain a master plan for the orderly development of future state buildings and grounds in the Capitol Area of the City of Augusta, with the exception of the State Capitol Building and its-immediate the adjacent grounds specified in Title 3, section 902, subsection 2. In maintaining the master plan, the commission shall take the following factors into consideration:

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

**STATEMENT OF FACT**

This bill increases the membership of the State Capitol Commission to include the person appointed by the Legislative Council to the position of Director of the State Capitol Commission. The bill also specifies that portion of Capitol Park which falls within the jurisdiction of the commission and provides that, with respect to that portion of the park that is controlled by the City of Augusta, the commission may, in consultation with the city, plan for the preservation and development of a unified park area.