

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1274

S.P. 476

In Senate, April 24, 1989

Submitted by the Department of Conservation pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural Resources 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 HOLLOWAY of Lincoln.

Cosponsored by Senator RANDALL of Washington and Representative BEGLEY of Waldoboro.

STATE OF MAINE

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

An Act to Clarify Terminology Used in Laws Related to Historic Sites under the
Jurisdiction of the Bureau of Parks and Recreation.



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

3 **Sec. 1. 12 MRSA §601, sub-§1**, as amended by PL 1979, c. 541,
Pt. A, §118, is further amended to read:

5
7 **1. Historic site.** ~~"Memorial" shall mean--Any~~ "Historic
9 site" means any area of land, with or without buildings,
improvements or other structures established for public use
wholly or primarily because of its historical, archeological or
scientific interest or value.

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13 **Sec. 2. 12 MRSA §602, 2nd ¶**, as amended by PL 1973, c. 460,
§19, is further amended to read:

15 The bureau shall have jurisdiction, custody and control in,
17 over and upon all state parks and ~~memorials~~ historic sites and
national parks which are under control and management of the
19 State, excepting Baxter State Park. Wilderness or natural areas,
or both, shall be established and managed primarily to preserve
21 the natural character and features of such areas, and any use or
development which threatens such character and features shall be
23 prohibited. It is not the intention of the Legislature to include
under this chapter any national parks now existing or which may
25 be hereafter created under national management or control. Said
bureau shall have and exercise the following powers and authority:

27 **Sec. 3. 12 MRSA §602, sub-§3**, as amended by PL 1977, c. 694,
§218, is further amended to read:

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31 **3. Parks and historic sites; rules and regulations.** With
the consent of the Governor, to set apart and publicly proclaim
33 areas of land in this State including improvements, or other
structures thereon, title to which has been acquired under this
chapter as parks or ~~memorials~~ historic sites within the meaning
35 of said chapter, and the bureau may from time to time establish
such rules and regulations as it deems necessary:

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39 A. For the protection and preservation of state parks and
parks under state control, :

41 B. For the protection and safety of the public; and

43 C. For observances of the conditions and restrictions
45 expressed in deeds of trust, or otherwise, of the parks of
the State and of monuments thereon.

47 All rules and regulations of the bureau shall be promulgated in
accordance with the procedures set forth in Title 5, chapter 375,
49 subchapter II, :

51 **Sec. 4. 12 MRSA §602, sub-§5**, as amended by PL 1973, c. 460,
§19, is further amended to read:

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5. Police supervision. To exercise police supervision over all state parks and memerials historic sites. The agents or representatives of the Bureau of Parks and Recreation designated for that purpose by said bureau are authorized and empowered to arrest with or without warrant any person within the State who is committing, or to detain until a warrant has been obtained, any person within the State who has been seen by said agents or representatives committing any offense against the state laws, or any violation of any rule or regulation of the Bureau of Parks and Recreation within a state park or memerial historic site, but no dwelling house shall be searched for the purpose of such arrest without a warrant, and then only in the daytime, and no sealed railroad car shall be entered for the purpose of such arrest without such warrant. ;

Sec. 5. 12 MRSA §602, sub-§7, as amended by PL 1975, c. 771, §132, is further amended to read:

7. Lease and agreements with United States. With the consent of the Governor and Council, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and development of state parks, within the meaning of this chapter, acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with said chapter; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state parks or memerials historic sites under this chapter. Such lands or interest therein, when so acquired, whether title thereto be in the United States or otherwise, shall be and remain subject to administration, maintenance, supervision, use and development by said bureau under this chapter during the terms of any such lease or agreement. With respect to lands or interest therein, included in any park or parks acquired and owned by the Government of the United States and administered under this chapter the State of Maine shall retain concurrent jurisdiction with the United States in and over all such lands. Any civil and criminal process issuing under the authority of this State may be executed on said lands in the same manner and to the same effect as if the same were privately owned, and exclusive jurisdiction in and to said lands shall revert to the State of Maine when said lands shall cease to be owned by the United States. Such lands owned by the United States shall be exempt from all taxes and assessments so long as the same shall be the property of the United States. ;

Sec. 6. 38 MRSA §321-A, sub-§1, as amended by PL 1973, c. 460, §19, is further amended to read:

