

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

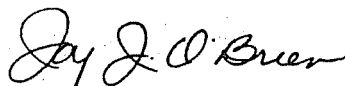
Legislative Document

No. 1428

S.P. 521

In Senate, May 2, 1989

Reference to the Committee on Housing and Economic Development suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

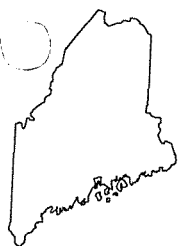
Presented by Senator PERKINS of Hancock.

Cosponsored by Senator BRANNIGAN of Cumberland, Senator PEARSON of Penobscot and Representative CHONKO of Topsham.

STATE OF MAINE

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

An Act Regarding Historical Markers.



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

3 Sec. 1. 5 MRSA §13092-A is enacted to read:

5 §13092-A. Historical marker program

7 1. Historical markers. The Director of the Office of
8 Tourism may erect historical markers or signs on any highway.
9 The director shall erect a marker upon the petition of 20 or more
10 citizens of this State. Up to 10 historical markers may be
11 erected in one year. No marker may be put up which would
12 interfere with reasonable use of the highway.

13 2. Review council. The Director of the Office of Tourism
14 shall consult with the Historic Preservation Commission of the
15 Department of Educational and Cultural Services on the marker
16 program. Before erecting any marker, the director shall secure
17 the Historic Preservation Commission's approval of the marker,
18 its location and its wording. The Historic Preservation
19 Commission shall investigate as needed to obtain information on
20 the event to be commemorated and on the appropriate location for
21 the marker, including consulting historians and holding public
22 hearings.

23 3. Permits. Municipal councilors may permit the erection
24 of monuments, tablets and markers by individuals or societies on
25 public highways or other public grounds in places and of a
26 character as may be approved by the councilors to indicate the
27 occurrence of historic events and matters of public interest,
28 provided that the marker does not interfere with the reasonable
29 use of the highway or other public places.

30 4. Cooperative agreements. The Historic Preservation
31 Commission may enter into cooperative agreements with any
32 municipality or historical society to put up a historical marker
33 on any highway. The agreement shall provide for reasonable
34 sharing of the initial expense and for the municipality or
35 society to maintain and care for the marker.

36 5. Damages. If any person's property is damaged by the
37 erection of a monument, tablet or marker, that person may apply
38 to the municipal councilors within 6 months after the erection to
39 assess and recover damages.

40 6. Change of location. Any person whose rights or
41 interests are affected by the location may, within 60 days after
42 the approval of the municipal councilors, as provided in section
43 1934, petition the municipal councilors for changes in the
44 location and, after notice to parties and hearing, the councilors
45 may alter or revoke the location as justice requires.

46 7. Petition to court. If the municipal councilors neglect
47 or refuse after 30 days to decide upon any petition addressed to
48 the

1 them under the provisions of section 1937, or if any party whose
3 interests are affected by the decision is dissatisfied with the
decision, the dissatisfied petitioner or party may apply to the
5 Superior Court for relief within 60 days of the decision.

7 8. Return; record; fees. The municipal councilors shall,
within 30 days, decide upon every petition presented to them and
9 of every location approved under this subsection, and shall cause
this information to be recorded by the town clerk. The fees of
11 the councilors and town clerk shall be paid by the petitioner.

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

15 1989-90 1990-91

17 **ECONOMIC AND COMMUNITY DEVELOPMENT,**
19 **DEPARTMENT OF**

21 **Office of Tourism**

23 All Other \$5,000 \$5,000

25 Provides funds from the
27 historical marker program to
erect historical markers.

29 **STATEMENT OF FACT**

31
33 **This bill provides for a historical marker program to be**
35 **administered by the Office of Tourism in consultation with the**
Historic Preservation Commission of the Department of Educational
and Cultural Services.