

MAINE STATE LEGISLATURE

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L.D. 1626

(Filing No. S-433)

**STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1172, L.D. 1626, "Resolve, Concerning the Development of a New Master Plan for the Capitol Area"

Amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Amend the resolve by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, a new master plan is urgently needed to guide future development of the capitol area which is held in trust for the people of Maine; and

Whereas, this plan must serve as a blueprint for the future, recognizing reasonable growth with a commitment to protect and preserve our valued inheritance; and

Whereas, the district plan requires active participation from the highest levels of the city government and each of the 3 coequal branches of State Government to inspire the best usage and appreciation; and

Whereas, it is desired to select a master planner through a competitive search; and

Whereas, a special committee is necessary to oversee the selection of the master planner and the development of the first new master plan for the capitol area in 20 years; and

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

Sec. 1. Committee established. Resolved: That there is established the Special Committee on the New Capitol Area Master Plan; and be it further

Sec. 2. Master plan; development. Resolved: That work on the development of a new master plan for the orderly development of future state buildings, grounds and traffic routes in the capitol area of Augusta shall be initiated as soon as possible after the passage of this resolve; and be it further

Sec. 3. Master planner. Resolved: That a nationally recognized master planner shall be selected and engaged for the purpose of developing a master plan for submission to the Governor and the Legislature in accordance with this resolve. Selection of this planner shall be made by means of a competitive search with no geographic limitation for entrants. Members of the Special Committee on the New Capitol Area Master Plan shall participate in the screening of applicants and shall approve the selection of the master planner. The master planner shall take into consideration in the development of the new master plan other concurrent planning efforts within the capitol area; and be it further

Sec. 4. Membership; appointment. Resolved: That the special committee shall consist of the following 23 members:

- A. One Senator to be appointed by the President of the Senate and one member of the House of Representatives to be appointed by the Speaker of the House of Representatives, both of whom represent the capitol planning district;
- B. The Mayor of the City of Augusta or a permanent designee;
- C. Four members of the State Capitol Commission appointed by the commission chair;
- D. The Executive Director of the Maine Historic Preservation Commission;
- E. The Director of the State Capitol Commission;
- F. The chair and 3 additional members of the Capitol Planning Commission, one who lives in the capitol planning district, a city councilor representing the capitol planning district and a member-at-large;

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H.P. 1172,
L.D. 1626

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- 3 G. A licensed architect appointed by the Governor from
nominees proposed by the Maine State Board for Licensure of
Architects and Landscape Architects;
- 5
- 7 H. The Governor or a permanent designee;
- 9
- 11 I. The President of the Senate or a permanent designee;
- 13
- 15 J. The Speaker of the House of Representatives or a
permanent designee;
- 17
- 19 K. The minority leader of the Senate or a permanent
designee;
- 21
- 23 L. The minority leader of the House of Representatives or a
permanent designee;
- 25
- 27 M. A permanent designee of the Chief Justice of the Supreme
Judicial Court; and
- 29
- 31 N. Three public members who reside in the City of Augusta,
one of whom is to be appointed by the Governor, one by the
President of the Senate and one by the Speaker of the House
of Representatives.

27 The Director of the Bureau of Public Improvements, the
29 Commissioner of Transportation and all other agencies of
State Government shall cooperate fully with the special
31 committee and provide or develop relevant information upon
request; and be it further

33 **Sec. 5. Chair. Resolved:** That the Chair of the Capitol
35 Planning Commission shall serve as chair of the special committee
and shall call the first meeting of the committee as soon as all
37 appointments have been made. The chair shall call all subsequent
meetings of the special committee; and be it further

39 **Sec. 6. Duties of the special committee. Resolved:** That the duties
of the special committee shall be as follows:

41

- 43 A. Oversee the competition for selection of a master
45 planner who will develop a proposed new capitol area master
47 plan and participate in all aspects of the selection
process, including review of criteria for selection,
screening and final selection of candidates for this role;
and

- 49 B. Provide assistance to the master planner in the
development of the new master plan; and be it further

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Sec. 7. Committee report. Resolved: That the special committee shall present a progress report no later than January 1, 1990, to the Governor and the Legislative Council. This report shall describe the progress of, and any recommendations proposed by, the special committee. The committee shall submit a preliminary report that includes a complete conceptual design for the master plan to the Legislature no later than April 1, 1990. This report shall include a cost estimate sufficient to complete the detailed design of the master plan, and any necessary implementing legislation. The committee shall submit a final report which includes the detailed design of the master plan and any necessary implementing legislation to the First Regular Session of the 115th Legislature, no later than January 15, 1991 ; and be it further

Sec. 8. Staff. Resolved: That the special committee shall be authorized to hire staff who shall work under the direction of the chair. Additional assistance from the legislative staff may be requested from the Legislative Council; and be it further

Sec. 9. Compensation. Resolved: That all members of the special committee, except the employees of State Government, shall receive reimbursement for travel and other necessary expenses upon application to the Executive Director of the Legislative Council. Members of the special committee who are Legislators shall receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at committee meetings; and be it further

Sec. 10. Review of construction, sale or lease. Resolved: That notwithstanding any other provision of law, with respect to state-owned land within the City of Augusta, no state agency may sell, grant, lease, transfer, or otherwise convey any real property, engage in any construction of any new facility or any substantial addition to an existing structure, or establish any new public ways or widen any existing way abutting such state-owned land until the Legislature has approved a new master plan. Exceptions for hardship may be granted only if a specific exemption is recommended by the master planner and approved by a 2/3 majority of the membership of the special committee; and be it further

Sec. 11. Acquisition of land. Resolved: That the Department of Administration negotiate and enter into agreements, prior to January 1, 1990, on the most favorable terms possible, for the purchase of certain parcels of real estate in the City of Augusta, Maine, more particularly described as follows:

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H.P. 1172,
L.D. 1626

1 Parcel 1

3 Apparent owner: Upper Ganneston Development Corp.

5 Lots 21 through 75, inclusive, of Upper Ganneston Park
7 Subdivision, being a subdivision located in Augusta, County of
9 Kennebec, State of Maine, and being recorded in the Kennebec
County Registry of Deeds on March 8, 1989, as File Nos. E-89049
through E-89055, inclusive.

11 Parcel 2

13 Apparent owner: Sumner H. Lipman

15 "Reserve lot," so-called in the northeast of Upper Ganneston
17 Park Subdivision, as more particularly described in the deed from
19 Lipman and Gall Real Estate to Sumner H. Lipman, dated February
19, 1989, and recorded in Kennebec County Registry of Deeds at
Book 3500, Page 232.

21 The agreement shall establish specific purchase prices and
23 terms and conditions, and may condition the acquisition of Parcel
25 1 on the reservation or limitation of development or building
rights, or on the reservation or limitation of the right to
reconvey; and be it further

27 **Sec. 12. Appropriation. Resolved:** That the following funds are
29 appropriated from the General Fund to carry out the purposes of
this resolve.

31 1989-90

33 **ADMINISTRATION, DEPARTMENT OF**

35 **Public Improvements - Planning -**
37 **Construction - Administration**

39 All Other \$90,000

41 Provides funds to contract with a master
43 planner to provide assistance to the Special
45 Committee on the New Capitol Area Master
47 Plan. These funds shall not be expended for
49 this purpose until the special committee has
voted to approve the selection of the master
51 planner. The Bureau of Public Improvements
shall prepare a detailed budget for the
expenditure of these funds and submit it to
the special committee for review and
approval no later than September 1, 1989.
Any expenditures which deviate from the
approved budget shall require an affirmative

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H.P. 1172,
L.D. 1626

1 vote of the special committee. The Bureau of
2 Public Improvements shall provide the chair
3 and members of the special committee with a
4 report of expenditures to date at least
5 monthly. These funds shall not lapse but
6 shall carry forward to June 30, 1991.

7

8 DEPARTMENT OF ADMINISTRATION
9 TOTAL

\$90,000

11 LEGISLATURE

13 Special Committee on the New Capitol
14 Area Master Plan

15

All Other

\$10,000

17

18 Provides funds to hire one staff person on a
19 contractual basis and for the meeting,
20 advertising and printing costs of the
21 committee. These funds shall not lapse, but
22 remain in this account until expended for
23 the purposes described.

25 LEGISLATURE
26 TOTAL

\$10,000

27

29 TOTAL APPROPRIATIONS

\$100,000

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32 Emergency clause. In view of the emergency cited in the
33 preamble, this resolve shall take effect when approved.'

35

36 STATEMENT OF FACT

37

38 This amendment establishes the Special Committee on the New
39 Capitol Area Master Plan, authorizes this committee to engage a
40 master planner to develop a new plan and instructs the committee
41 to submit a proposed conceptual plan and recommended implementing
42 legislation to the 114th Legislature and a final detailed plan to
43 the 115th Legislature. The purpose of this amendment is to
44 ensure proper development of a comprehensive master plan and to
45 defer state agency actions which could conflict with the
46 provisions of the final plan.

49

51 (Senator PEARSON)

52 SPONSORED BY:



53

COUNTY: Penobscot