

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1626

H.P. 1172

House of Representatives, May 10, 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, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by President PRAY of Penobscot, Representative WEBSTER of Cape Elizabeth and Senator CAHILL of Sagadahoc.

STATE OF MAINE

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

Resolve, Concerning the Development of a New Master Plan for the
Capitol Area.

(AFTER DEADLINE)

(EMERGENCY)



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

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

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

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

17 Whereas, all development in the capitol district and the
19 immediate surrounding area should be held in abeyance, pending
the completion of this vital document to maintain the status quo
21 and prevent further erosion of the district; and

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

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

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

35 **Commission established. Resolved:** That there is established
37 the Commission on the New Capitol Area Master Plan; and be it
further

39 **Master plan; development. Resolved:** That work on the
41 development of a new master plan for the orderly development of
future state buildings, grounds and traffic routes in the capitol
43 area of Augusta shall be initiated as soon as possible after the
passage of this resolve. A nationally recognized master planner
45 shall be selected and engaged, and this planner shall be required
to have a master plan available in sufficient time to be included
47 in legislation presented to the Second Regular Session of the
114th Legislature; and be it further

49 **Selection of master planner. Resolved:** That selection of the
51 planning consultant shall be by means of a competitive search
with no geographic limitation as to entrants. The selection of

1 the planning consultant shall be approved by the Commission on
the New Capitol Area Master Plan; and be it further

3 **Membership; appointment. Resolved:** That the commission shall
5 consist of 21 members as follows: the President of the Senate or
the President's designee, who shall be a member of the Senate,
7 and 2 members of the Senate at least one of whose district
includes a portion of the City of Augusta, and one member
9 recommended by the minority leader of the Senate; the Speaker of
the House of Representatives or the Speaker's designee, who shall
11 be a member of the House of Representatives, and 2 members of the
House of Representatives at least one of whose district includes
13 a portion of the City of Augusta and one member recommended by
the minority leader of the House of Representatives; one member
15 appointed by the Chief Justice of the Supreme Judicial Court; the
Governor or the Governor's designee; the Commissioner of
17 Administration; the Commissioner of Transportation; the Director
of the Bureau of Public Improvements; the Executive Director of
19 the Maine Historic Preservation Commission; the Director of the
State Planning Office; 2 members of the Supreme Judicial Court
21 Plan and Design Commission, who shall be appointed by the chair
of that commission; 2 members of the State Capitol Commission,
23 who shall be appointed by the chair of that commission; the
Director of the State Capitol Commission; 2 representatives from
25 Augusta to be appointed by the Mayor of Augusta, one of whom
shall be a city planner; and a licensed architect who shall be
27 appointed by the board of the Maine Chapter of the American
Institute of Architects. Only the individuals defined in this
29 section shall have the authority to vote. All appointments shall
be made no later than 30 days following the effective date of
31 this resolve. The Executive Director of the Legislative Council
shall be notified by all appointing authorities of their
33 selections; and be it further

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

41 **Duties of the commission. Resolved:** That the duties of the
commission shall be as follows:

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

1 2. Participate actively in all phases of the development of
the new master plan, and ensure coordination of this effort with
3 other concurrent planning efforts within the capitol area; and

5 3. Present to the Second Regular Session of the 114th
Legislature a report containing the new proposed master plan for
7 the capitol district, recommendations regarding implementation of
the plan and any necessary implementing legislation; and be it
9 further

11 **Report. Resolved:** That, in addition to other reports
required in this section, the commission shall report to the
13 Governor and the Legislative Council at the completion of each
stage of the development of the master plan; and be it further

15 **Staff. Resolved:** That, the commission shall be authorized to
17 hire staff, who shall work under the direction of the chair.
Additional assistance from the legislative staff may be requested
19 from the Legislative Council; and be it further

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

29 **Moratorium on development. Resolved:** That, because existing
31 plans and rules are inadequate to prevent inappropriate
development from occurring in and around the capitol area, the
33 following moratorium shall be imposed: For a period of 180 days
from the date that this resolve is enacted, no person may sell,
35 transfer, develop or begin construction on any parcel of land
within the capitol area as defined in Title 1, section 814, or on
37 any land currently owned by the State within the city limits of
Augusta, or within an area bounded as follows: Beginning at a
39 point at the low-water mark on the West bank of the Kennebec
River, where the Kennebec River is intersected by the
41 Augusta/Hallowell town line; thence S 60° 34'E along said town
line to a point marked by an iron monument; thence in a northerly
43 direction a distance of 90.75 feet, more or less, to a point
marked by a monument and continuing in a northerly direction to
45 the center of Western Avenue; thence easterly along the center
line of Western Avenue to the East side rotary and continuing in
47 an easterly direction along the center line of Monument Drive to
the low-water mark on the West bank of the Kennebec River; thence
49 southerly along the Kennebec River to the point of beginning.
Bearings are based on a plan by Henry F. Hill, Jr., dated
51 November 1956. Exceptions for hardship may be granted if a
specific exemption is recommended by the commission's planning

1 consultant and is approved by the Commission on the New Capitol
2 Area Master Plan. This moratorium may be extended for additional
3 180-day periods if the commission finds that the problem creating
4 the need for the moratorium still exists, and that progress is
5 being made to remedy the problem; and be it further

7 **Appropriation. Resolved:** That the following funds are
8 appropriated from the General Fund to carry out the purposes of
9 this resolve.

11 1989-90

13 **ADMINISTRATION, DEPARTMENT OF**

15 All Other \$150,000

17 Provides funds to contract
18 with a master planner to
19 provide assistance to the
20 Commission on the Capitol
21 Area Master Plan. These
22 funds shall not be expended
23 for this purpose until the
24 commission has voted to
25 approve the selection of the
26 master planner.

27 **DEPARTMENT OF ADMINISTRATION**
29 **TOTAL**

\$150,000

31 **LEGISLATURE**

33 **Commission on the Capitol Area**
35 **Master Plan**

37 All Other \$30,000

39 Provides funds to hire one
40 staff person on a contractual
41 basis and for the meeting,
42 advertising and printing
43 costs of the commission.
44 These funds shall not lapse,
45 but remain in this account
46 until expended for the
47 purposes described.

49 **LEGISLATURE**
51 **TOTAL**

\$30,000

53 **TOTAL APPROPRIATIONS**

\$180,000

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

5 **STATEMENT OF FACT**

7
9 The resolve establishes the Commission on the New Capitol
11 Area Master Plan, authorizes the commission to engage a master
13 planner to develop a new plan and instructs the commission to
15 submit a new plan and enabling legislation to the Second Regular
17 Session of the 114th Legislature. In order to preserve the
status quo while the plan is being developed, a temporary
moratorium on development in the capitol area and environs is
imposed. The purpose of this resolve is to ensure that haphazard
development around the State House and other important state
facilities is prevented.