

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2537

S.P. 983

In Senate, February 8, 2000

An Act to Promote Historic and Scenic Preservation.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Taxation 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 AMERO of Cumberland.
Cosponsored by Representative MURPHY of Kennebunk and
Senators: HARRIMAN of Cumberland, RAND of Cumberland, Representatives: ETNIER of
Harpwell, MAYO of Bath.

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

4 **Sec. 1. 36 MRSA c. 105, sub-c. II-C is enacted to read:**

6 **SUBCHAPTER II-C**

8 **HISTORIC AND SCENIC PRESERVATION**

10 **§596. Historic and scenic preservation**

12 **1. Definitions. As used in this section, unless the**
context otherwise indicates, the following terms have the
following meanings.

14 **A. "Historic property or resource" means a building, site,**
structure or object that is:

16 **(1) Listed in or eligible for inclusion in the**
National Register of Historic Places; or

18 **(2) Designated under guidelines established by a**
municipal ordinance as important because of its
cultural, social, economic, political, architectural or
archaeological history.

20 **B. "Improvement" means a change in the condition of real**
property brought about by the expenditure of labor or money
for the preservation, rehabilitation, restoration or
reconstruction of that real property.

22 **C. "Scenic view" or "significant vista" means a view from a**
public place of water, marshland, landscapes, farm fields,
important structures, buffers along scenic roads or other
visual elements important for preserving local character as
determined by a municipality.

24 **2. Preservation of historic property or resource. A**
municipality may reduce the property taxes imposed on a historic
property or resource in accordance with the following provisions.

26 **A. A municipality may establish a local review board to**
designate a historic property or resource within the
jurisdiction of that municipality.

28 **B. Property designated as a historic property or resource**
must be evaluated using criteria established in the National
Register of Historic Places or by a local review board.

30 **C. Any improvement to a property designated as a historic**
property or resource must comply with the United States

2 Secretary of the Interior's standards for the treatment of
3 historic properties, as specified in 36 Code of Federal
4 Regulations, Part 68, or with the standards adopted by a
5 local review board.

6 The Maine Historic Preservation Commission shall provide
7 guidance, if requested by a municipality, in implementing this
8 subsection.

10 3. Preservation of scenic views. A municipality may reduce
11 the valuation of property with a scenic view or significant vista
12 if the owner of that property agrees to permanently forgo
13 development of that property to preserve the scenic view or
14 significant vista through use of an easement properly recorded as
15 part of the deed and running with the land.

18 SUMMARY

20 Pursuant to the authority granted by Constitutional
21 Resolution 1999, chapter 2, "RESOLUTION, Proposing an Amendment
22 to the Constitution of Maine to Promote Historic and Scenic
23 Preservation," which was approved at constitutional referendum on
24 November 2, 1999, this bill gives municipalities the authority to
25 reduce taxes on real property if the property owner agrees to
26 maintain the property in accordance with criteria adopted by a
27 review board within the municipality or the standards enumerated
28 by the United States Secretary of the Interior to maintain the
29 historic integrity of important structures or to provide scenic
30 view easements of significant vistas.