

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 509

H.P. 354

House of Representatives, February 12, 2009

An Act To Transfer the Operation of the Fort Knox State Historic Site to the Friends of Fort Knox

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CELLI of Brewer.
Cosponsored by Senator ROSEN of Hancock and Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, GILES of Belfast, GOODE of Bangor, JOHNSON of Greenville, ROSEN of Bucksport, WAGNER of Lyman, WEAVER of York.

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

2 **Sec. 1. 12 MRSA §1803, sub-§1, ¶A,** as amended by PL 2001, c. 604, §2, is
3 further amended to read:

4 A. All state parks and historic sites and national parks that are controlled and
5 managed by the State, except Baxter State Park and Fort Knox State Historic Site;

6 **Sec. 2. Transfer of the operation and management of the Fort Knox State**
7 **Historic Site to a private entity.** On or before May 15, 2010, the Department of
8 Conservation, Bureau of Parks and Lands shall transfer responsibility for the operation
9 and management of the Fort Knox State Historic Site to a qualifying organization formed
10 to preserve and restore the Fort Knox State Historic Site and exempt from taxation under
11 the United States Internal Revenue Code of 1986, Section 501(c)(3), as amended. The
12 bureau shall enter into a cooperative agreement with the qualifying organization as
13 authorized under the Maine Revised Statutes, Title 12, section 1803, subsection 4. The
14 agreement must specify the terms and conditions of the transfer of responsibilities and
15 equipment and require that the Fort Knox State Historic Site continue to be managed
16 according to the objectives of Title 12, chapter 220 and without substantially altering the
17 uses of the Fort Knox State Historic Site. The agreement must specify that the equipment
18 and buildings owned by the Bureau of Parks and Lands and used to maintain the Fort
19 Knox Historic Site are to be leased to the qualifying organization at a nominal fee. The
20 agreement must provide for the qualifying organization to repair and maintain the
21 equipment and buildings leased or replace them at the termination of the lease or of the
22 cooperative agreement.

23 **1. Responsibilities revert to the bureau.** If the qualifying organization is dissolved
24 or loses its tax exempt status, all management and operations responsibilities transferred
25 in an agreement pursuant to this section revert to the bureau and the agreement is void.

26 **Sec. 3. Transition provision.** The Department of Conservation, Bureau of Parks
27 and Lands shall give persons employed by the bureau for the 2009 season and working at
28 the Fort Knox State Historic Site the opportunity to transfer to positions at other state
29 parks or historic sites for the 2010 season. The transfer of management and operations
30 responsibilities as required in this Act must be completed on or before May 1, 2010. For
31 purposes of this section, "season" means the period of time during which the Fort Knox
32 State Historic Site has paid staff on site.

33 **Sec. 4. Report; legislation.** The Director of the Bureau of Parks and Lands
34 within the Department of Conservation shall report to the Joint Standing Committee on
35 Agriculture, Conservation and Forestry no later than January 2, 2010 on the status of the
36 agreement negotiated or being negotiated with the qualifying organization under section 2
37 of this Act. The director shall provide details on the anticipated fiscal impact of
38 implementing the agreement and make recommendations on any statutory or regulatory
39 changes needed to complete the transfer of management and operations responsibilities.
40 The Joint Standing Committee on Agriculture, Conservation and Forestry may submit
41 legislation to the Second Regular Session of the 124th Legislature to facilitate the transfer
42 authorized in this Act.

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Sec. 5. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 1803, subsection 1, paragraph A takes effect May 1, 2010.

SUMMARY

This bill directs the Bureau of Parks and Lands within the Department of Conservation to transfer management and operations responsibilities for the Fort Knox State Historic Site to the Friends of Fort Knox.