

MAINE STATE LEGISLATURE

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Date: 3/27/24 Majority

(Filing No. H-875)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1065, L.D. 1667, "An Act Regarding Recommendations for Changing Place Names in the State"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 1 MRSA §1101, sub-§2, as enacted by PL 1977, c. 259, §1, is amended to read:

2. Place. "Place" means any natural geographic feature or of the State; any street, alley, square, bridge, tunnel or other road within the jurisdiction of the State, or any political subdivision of the State; or a building, facility, park or cultural feature owned, leased or operated by the State or any political subdivision of the State.

Sec. 2. 1 MRSA §1104, as amended by PL 1999, c. 613, §2 and PL 2011, c. 657, Pt. W, §6, is further amended to read:

§1104. Responsibility of municipal officers and county commissioners

The municipal officers of the municipality or the county commissioners responsible for the unorganized territory, in which a place is found by the Maine Human Rights Commission pursuant to Title 5, section 4632, to have an offensive name, shall have the following responsibilities:

1. Reasonable actions. They shall take whatever reasonable actions are required to complete a change in the offensive name, including, but not limited to, petitioning and engaging the Maine Board on Place Names under Title 5, section 1997. They may hold public hearings on selecting a new name; and

1-A. Consult with Maine Board on Place Names. They shall notify the Maine Board on Place Names under Title 5, section 1997 within 5 days of the Maine Human Rights Commission finding the place name offensive and shall follow the process established by the Maine Board on Place Names pursuant to Title 5, section 1997; and

2. Notification. Unless a court order is issued under Title 5, section 4632 specifying a different deadline, within 6 months of the determination finding by the Maine Human

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1 Rights Commission that the place has an offensive name, they shall provide notice of the
2 new name to the ~~Commissioner of Agriculture, Conservation and Forestry,~~ the ~~Secretary~~
3 ~~of the United States Department~~ Secretary of the Interior and other public agencies, boards,
4 committees or other groups responsible for changing names of places and for ensuring that
5 ~~such~~ the name changes appear on maps and other public documents.

6 **Sec. 3. 5 MRSA §1997** is enacted to read:

7 **§1997. Maine Board on Place Names**

8 **1. Established.** The Maine Board on Place Names, established by section 12004-I,
9 subsection 75-D and referred to in this section as "the board," shall establish policies and
10 procedures for naming and renaming places in the State and shall serve as an advisor to
11 local units of government seeking to name or rename a place and to the Department of
12 Administrative and Financial Services' unofficial liaison to the United States Department
13 of the Interior, United States Geological Survey, United States Board on Geographic
14 Names, referred to in this section as "the Board on Geographic Names," who communicates
15 recommendations for naming or renaming places. For purposes of this section, "place" has
16 the same meaning as in Title 1, section 1101, subsection 2.

17 **2. Members.** The board consists of 11 members as follows:

18 A. One member who is a faculty member of a college or university in the State
19 specializing in genealogical or anthropological research, appointed by the President of
20 the Senate;

21 B. One member, recommended by the chief of a federally recognized Indian tribe,
22 nation or band located in the State, appointed by the President of the Senate;

23 C. One member who is a faculty member of a college or university in the State
24 specializing in the history, culture or civil and human rights of historically
25 disadvantaged racial, indigenous and tribal populations, appointed by the President of
26 the Senate;

27 D. One member who is a scholar of linguistics or a person familiar with language
28 preservation, appointed by the Speaker of the House;

29 E. One member, recommended by the coordinator of special collections at the
30 University of Southern Maine, appointed by the Speaker of the House;

31 F. One member of a statewide organization based in the State promoting civil rights
32 that has racial justice or racial equity as its primary mission, appointed by the Speaker
33 of the House;

34 G. One member, recommended by the chief of a federally recognized Indian tribe,
35 nation or band located in the State, who is not from the same tribal community as the
36 member appointed pursuant to paragraph B, appointed by the Speaker of the House;

37 H. One member who is an employee of the Office of Geographic Information Systems
38 within the office and who serves as the unofficial liaison to the Board on Geographic
39 Names and who is a mapping professional, recommended by the Chief Information
40 Officer;

41 I. The State Archivist, or the State Archivist's designee;

42 J. The State Geologist, or the State Geologist's designee; and

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K. The State Historian, or the State Historian's designee.

In appointing members of the board, the appointing authorities shall give consideration to racial, ethnic, gender, socioeconomic and geographic diversity.

3. Chair. The chair of the board must be selected from among its members at the first meeting of the board each year. The chair shall call and preside at meetings of the board and shall perform such other duties as the board may assign. If a chair is no longer willing or able to serve, the board shall select a chair from among its members at the next meeting of the board.

4. Terms; vacancy; quorum. Members of the board serve 2-year terms and continue serving until either reappointed or replaced. In case of the termination of a member's service during that member's term, the appointing authority shall appoint a successor for the unexpired term. A majority of members constitutes a quorum for the purpose of conducting the business of the board.

5. Duties. The board shall:

- A. Meet on a regular basis at least 6 times per year;
- B. Advise the member of the board serving as the State's unofficial liaison to the Board on Geographic Names;
- C. Develop, oversee and make public policies and procedures for petitioning the board to name or rename a place and for filing a petition with the Board on Geographic Names, Domestic Names Committee;
- D. Develop and implement a public engagement campaign to raise awareness about place names, their history and the public process by which place names are chosen;
- E. Give notice to the Board of Geographic Names, Domestic Names Committee of scheduled board meetings; and
- F. Recommend policies and procedures for a petitioner to use to solicit input on petitions to name or rename a place, which may include:
 - (1) Public engagement through advertised public presentations;
 - (2) Outreach to solicit public input through local populations;
 - (3) Public outreach to nonlocal populations;
 - (4) Educational materials that are made readily available to the public;
 - (5) Appropriate time and options for a dedicated public comment period; and
 - (6) Recorded public voting administered by the election official in the affected local unit of government where there is a request for the naming or renaming of a place.

6. Additional responsibilities. The board may take on the following additional responsibilities as resources allow:

- A. Acting as a liaison with state and federal agencies and the governments of Indian tribes, nations and bands in the State to ensure consistency in data and mapping products;
- B. Developing recommendations on best practices in naming or renaming places;

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1 C. Sustaining active membership in a national nonprofit association of state and federal
2 government agencies representing the official and recognized geographic names
3 authorities in the United States that work to promote national standardization of the
4 names of geographic features for official use throughout the country; and

5 D. Issuing recommendations on petitions.

6 7. Compensation. Board members not otherwise compensated for serving on the board
7 by their employers or other entities that they represent are eligible to receive a legislative
8 per diem, as defined in section 12002, subsection 3, in accordance with section 12002-B.

9 Board members may be compensated only for up to 4 meetings per month.

10 Nothing in this subsection is intended to exempt members of the board from the provisions
11 of section 18-A.

12 8. Funding. The board may receive and accept, from any source, allocations,
13 appropriations, loans, grants and contributions of money or other things of value to be held,
14 used or applied to carry out this section, subject to the conditions upon which the loans,
15 grants and contributions may be made, including, but not limited to, appropriations,
16 allocations, loans, grants or gifts from a private source, federal agency or governmental
17 subdivision of the State or its agencies.

18 The board may receive and disburse funds made available to it for education programs,
19 assisting the public in understanding the history of place names and providing local
20 assistance on initiating a petition to the board.

21 9. Staffing. The board may employ personnel as it considers necessary and desirable
22 in order to effectively discharge its duties and responsibilities.

23 10. Reporting. By December 15th of each odd-numbered year, the board shall submit
24 a report to the joint standing committee of the Legislature having jurisdiction over state and
25 local government matters, the joint standing committee of the Legislature having
26 jurisdiction over agriculture, conservation and forestry matters and the joint standing
27 committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.
28 The report must include a list of local units of government that have petitioned to name or
29 rename a place, the status and outcome of each petition, recommendations for changes to
30 existing place names and recommendations for suggested legislation to improve the process
31 of naming or renaming a place. Each committee may report out legislation in the regular
32 or special session of the biennium in which the committee receives the report.

33 **Sec. 4. 5 MRSA §12004-I, sub-§75-D is enacted to read:**

34 **75-D.**

35 <u>State Government</u>	<u>Maine Board on Place</u>	<u>Legislative Per Diem for</u>	<u>5 MRSA</u>
36	<u>Names</u>	<u>Certain Members</u>	<u>§1997</u>

37 **Sec. 5. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 5,
38 section 1997, subsection 4, initial appointments to the Maine Board on Place Names must
39 be staggered as follows:

- 40 1. Of the members appointed by the President of the Senate, one member must be
- 41 appointed for a one-year term and 2 members must be appointed for 2-year terms; and

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2. Of the members appointed by the Speaker of the House, 2 members must be appointed for one-year terms and 2 members must be appointed for 2-year terms.

Sec. 6. Moratorium on requests to Board on Geographic Names for naming or renaming of nonadministrative places. For a period of 180 days after the effective date of this legislation, the Department of Administrative and Financial Services may not process or act upon any petitions to the United States Department of the Interior, United States Geological Survey, United States Board on Geographic Names for the naming or renaming of a natural geographic feature of the State or any street, alley or other road within the jurisdiction of the State.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Maine Board on Place Names N489

Initiative: Provides a base allocation to the newly established Maine Board on Place Names account to allow acceptance and expenditure of funding from private and public sources.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

Maine Board on Place Names N489

Initiative: Provides funding for payment of per diem to members of the board.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,650
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GENERAL FUND TOTAL	\$0	\$1,650

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2023-24	2024-25
GENERAL FUND	\$0	\$1,650
OTHER SPECIAL REVENUE FUNDS	\$0	\$500
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,150

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill and does the following.

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COMMITTEE AMENDMENT "A" to H.P. 1065, L.D. 1667

- 1 1. It amends the definition of "place" in the provision of law that prohibits offensive
2 names for places in the State.
- 3 2. It establishes the Maine Board on Place Names as an advisory board and it requires
4 the board to establish policies and procedures for naming or renaming places.
- 5 3. It requires the Maine Board on Place Names to serve as a consultant to the state
6 employee who serves as an unofficial liaison to the United States Department of the
7 Interior, United States Geographical Survey, United States Board on Geographic Names,
8 Domestic Names Committee for the purpose of naming and renaming those places in the
9 State under the jurisdiction of the United States Board on Geographic Names.
- 10 4. It requires municipal officers and county commissioners to notify and work with
11 the Maine Board on Place Names if a place name in a municipality or unorganized territory
12 is found by the Maine Human Rights Commission to be offensive.
- 13 5. It requires the Maine Board on Place Names to submit a report, by December 15th
14 of each odd-numbered year, to the joint standing committee of the Legislature having
15 jurisdiction over state and local government matters, the joint standing committee of the
16 Legislature having jurisdiction over agriculture, conservation and forestry matters and the
17 joint standing committee of the Legislature having jurisdiction over inland fisheries and
18 wildlife matters regarding municipalities that have petitioned to name or rename a place,
19 recommendations for changes to existing place names and recommendations for suggested
20 legislation.

21 **FISCAL NOTE REQUIRED**
22 **(See attached)**

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1667

LR 172(02)

An Act Regarding Recommendations for Changing Place Names in the State

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-875)

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$0	\$1,650	\$1,980	\$1,980
Appropriations/Allocations				
General Fund	\$0	\$1,650	\$1,980	\$1,980
Other Special Revenue Funds	\$0	\$500	\$500	\$500

State Mandates

Required Activity	Unit Affected	Local Cost
Requires municipal officers and county commissioners to notify and work with the Maine Board of Place Names if a place name within the municipality or unorganized territory is found to be offensive.	Municipality County	Insignificant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This bill includes a base allocation of \$500 per year beginning in fiscal year 2024-25 to a newly created Maine Board of Place Names account within the Department of Administrative and Financial Services to allow acceptance and expenditure of funding from private and public sources.

The bill also includes a General Fund appropriation to the Department of Administrative and Financial Services, Maine Board of Place Names program of \$1,650 in fiscal year 2024-25 to provide funds for per diem costs associated with meetings of the board. This amount assumes 3 members of the board are eligible for the per diem and the per diem is paid for 10 meetings in fiscal year 2024-25.

Any additional costs to the Department of Secretary of State, the Department of Administrative and Financial Services, the University of Maine System, the Maine Historic Preservation Commission and the Department of Agriculture, Conservation and Forestry associated with serving on the Maine Board of Place Names are expected to be minor and can be absorbed within existing budgeted resources.