

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

---

Kennebec Journal  
Augusta, Maine  
1979

---

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**FIRST REGULAR SESSION**  
of the  
**ONE HUNDRED AND NINTH LEGISLATURE**  
1979

---

---

Whereas, there is a potential for serious legal and economic consequences if the confusion concerning the proper form of acknowledgments is not rapidly cleared; and

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,

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

33 MRSA § 203, as last amended by PL 1969, c. 260, is further amended by adding at the end a new paragraph to read:

**Notwithstanding any of the requirements in this section, an instrument with an acknowledgment conforming to the requirements of the Uniform Recognition of Acknowledgments Act, Title 4, section 1011 et seq., shall be accepted for recording purposes.**

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

Effective March 8, 1979

---

## CHAPTER 21

H. P. 194 — L. D. 243

**AN ACT to Amend the Laws Relating to the Maine Historic Preservation Commission.**

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

27 MRSA §§ 502-510, as enacted by PL 1971, c. 536, § 1 and as amended, are repealed and the following enacted in their place:

### § 502. Maine Historic Preservation Commission

There shall be created within the Department of Educational and Cultural Services a bureau which shall be designated as the "Maine Historic Preservation Commission." It shall consist of 11 members made up as follows: The Commissioner or a representative of the Department of Transportation, and the Commissioner or a representative of the Department of Conservation, to serve ex

officio, 9 representatives from among the citizens of Maine, one of whom shall be elected chairman, who are known for their competence, experience and interest in this field, including at least one prehistoric archaeologist, one historic archaeologist, one historian, one architectural historian and one architect, to be appointed by the Governor. In making these appointments, due consideration shall be given to the recommendations made by the representative professional, civic and educational associations and groups concerned with or engaged in the field of historic preservation.

#### § 503. Membership

Upon the expiration of the term of existing members, the term of office of each appointed member shall be 5 years or until his successor is appointed and qualified. No member shall serve more than 2 successive terms. In the case of a vacancy, other than the expiration of a term, the appointment of a successor shall be appointed by the Governor for the balance of the term. The commission shall meet at least 4 times a year. It shall adopt and may amend bylaws for its internal organization and operation. The director shall serve as secretary to the commission. The members of the commission shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

#### § 504. Duties

The commission shall set policy with regard to:

1. Administration. The steps which are necessary and relevant to encourage and stimulate public interest and participation in the historic, architectural and archaeological heritage of our State, and to advise the State Historic Preservation Officer with regard to liaison between the State and Federal Governments and public or private agencies or organizations interested in and participating in the field of historic preservation; and

2. Programs. The steps which are necessary to administer the program of the National Historic Preservation Act of 1966, and other private and governmental programs within the purposes of this chapter except in those areas specifically assigned by federal law to the State Historic Preservation Officer.

#### § 505. Director

1. Appointment. The Maine Historic Preservation Commission may appoint a director, with the approval of the Commissioner of Educational and Cultural Services, who shall be qualified by special training or experience in the field of historic preservation and who shall also serve as the State Historic Preservation Officer upon appointment by the Governor and shall be subject to removal for cause under the Personnel Law.

#### 2. Duties.

A. The Maine Historic Preservation Commission shall be under the

management and supervision of a director who shall make rules and regulations for the proper management of the bureau, subject to the approval of the Commissioner of Educational and Cultural Services.

B. The director may employ, subject to the personnel laws, such assistants as the business of the office may require.

C. The director shall, subject to the approval of the commission, accept gifts, devises, bequests and endowments for purposes, consistent with the purposes of this chapter. Any funds given as an endowment shall be invested by the Treasurer of State according to the laws governing investment of trust funds. All gifts, devises, bequests and proceeds of endowment funds shall be used solely to carry out the purposes for which they were made.

#### § 506. Hearings; contracts

The commission may hold public and private hearings related to the field of historic preservation. The director may enter into contracts, within the limit of funds available therefor, with individuals or organizations and institutions for services furthering the objectives of this chapter; and enter into contracts, within the limit of funds available therefor, with public or private, local or regional organizations or associations for cooperative endeavors furthering the objective of this chapter. The director may make recommendations to the commissioner regarding the acceptance of gifts, contributions, devises and bequests of funds and objects from individuals, foundations, corporations and other organizations, and institutional or governmental bodies for the purpose of furthering the objectives of this chapter.

#### § 507. Assistance from other state agencies

The director may request from any department, division, board, bureau, commission or agency of the State such assistance and data as will enable him to properly carry out this chapter.

#### § 508. Recommendations

The director shall make recommendations and give assistance to private and governmental bodies as consistent with the purposes of this chapter.

#### § 509. Compliance with federal law

The State Historic Preservation Officer may adopt any regulation necessary to enable the State to comply with any law of the United States intended to promote public historic preservation services. The Treasurer of State shall be custodian of any money that may be allotted by the Federal Government for programs related to the purposes of the Maine Historic Preservation Commission.

§ 510. Annual report

The Historic Preservation Director shall report to the commissioner annually the receipts and expenditures on account of the bureau, the number of acquisitions during the preceding year, specifying those obtained by purchases, donation and exchange, and shall make in that report suggestions in relation to the improvement of the Maine Historic Preservation Commission.

Effective September 14, 1979

---

## CHAPTER 22

S. P. 73 — L. D. 127

### AN ACT to Amend the Procedure of the State Board of Arbitration and Conciliation.

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

**Sec. 1.** 26 MRSA § 911, 7th sentence, as enacted by PL 1975, c. 564, § 2, is amended to read:

Authorization for services rendered and expenditures incurred by the Board of Arbitration and Conciliation shall be the responsibility of the Executive Director of the Maine Labor Relations Board who shall, annually, on or before the first day of July, make a report of the activities of the Board of Arbitration and Conciliation to the Governor and Council.

**Sec. 2.** 26 MRSA § 911, as last amended by PL 1975, c. 771, § 279, is further amended by adding at the end a new paragraph to read:

**An employer shall not retaliate against any employee who shall have petitioned or sought the assistance of the board pursuant to this subchapter or for having provided information or testimony hereunder.**

**Sec. 3.** 26 MRSA § 912, 2nd sentence, is repealed and the following enacted in its place:

**It shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the matter before it.**

**Sec. 4.** 26 MRSA § 913 is amended to read:

§ 913. Witnesses