

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
1989

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**CHAPTER 553**

**S.P. 521 - L.D. 1428**

**An Act Regarding Historical Markers**

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

**Sec. 1. 5 MRS.A §13092-A** is enacted to read:

**§13092-A. Historical marker program**

**1. Historical markers.** The Director of the Office of Tourism may erect historical markers or signs on any highway. Up to 10 historical markers may be erected in one year. No marker may be put up which would interfere with reasonable use of the highway.

**2. Review council.** The Director of the Office of Tourism shall consult with the Historic Preservation Commission of the Department of Educational and Cultural Services and the Department of Transportation on the marker program. Before erecting any marker, the director shall secure the Historic Preservation Commission's approval of the marker, its location and its wording. The Historic Preservation Commission shall investigate as needed to obtain information on the event to be commemorated and on the appropriate location for the marker, including consulting historians and holding public hearings.

**3. Permits.** Municipal councilors may permit the erection of monuments, tablets and markers by individuals or societies on public highways or other public grounds in places and of a character as may be approved by the councilors to indicate the occurrence of historic events and matters of public interest, provided that the marker does not interfere with the reasonable use of the highway or other public places.

**4. Cooperative agreements.** The Historic Preservation Commission may enter into cooperative agreements with any municipality or historical society to put up a historical marker on any highway. The agreement shall provide for reasonable sharing of the initial expense and for the municipality or society to maintain and care for the marker.

**5. Damages.** If any person's property is damaged by the erection of a monument, tablet or marker, that person may apply to the municipal councilors within 6 months after the erection to assess and recover damages.

**6. Change of location.** Any person whose rights or interests are affected by the location may, within 60 days after the approval of the municipal councilors, as provided in section 1934, petition the municipal councilors for changes in the location and, after notice to parties and hearing, the councilors may alter or revoke the location as justice requires.

**7. Petition to court.** If the municipal councilors neglect or refuse after 30 days to decide upon any petition addressed to them under the provisions of section 1937, or

if any party whose interests are affected by the decision is dissatisfied with the decision, the dissatisfied petitioner or party may apply to the Superior Court for relief within 60 days of the decision.

**8. Return; record; fees.** The municipal councilors shall, within 30 days, decide upon every petition presented to them and of every location approved under this subsection, and shall cause this information to be recorded by the town clerk. The fees of the councilors and town clerk shall be paid by the petitioner.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
<b>ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF</b>		
<b>Office of Tourism</b>		
All Other	\$5,000	\$5,000
Provides funds from the historical marker program to erect historical markers.		
<b>Office of Tourism</b>		
All Other	(\$5,000)	(\$5,000)
Deappropriates funds no longer required.		
<b>DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT</b>		
<b>TOTAL</b>	\$ -0-	\$ -0-

See title page for effective date.

**CHAPTER 554**

**S.P. 283 - L.D. 729**

**An Act Regarding Reimbursement for Out-of-district Special Education Placements**

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

**Whereas,** the provisions of this Act must be effective for the school subsidy year 1989-90; 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:**