

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
120<sup>th</sup> LEGISLATURE  
SECOND REGULAR SESSION**

**Final Report  
of the**

**State House and Capitol Park Commission  
on the Establishment of a  
Living Memorial in Capitol Park in Honor of the  
Victims and Heroes of the September 11, 2001 Tragedy**

**January, 2003**



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## **STATE HOUSE AND CAPITOL PARK COMMISSION**

### **Final Report to the 120<sup>th</sup> Legislature by the State House and Capitol Park Commission on the Establishment of a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001 Tragedy**

The State House and Capitol Park Commission, pursuant to Sec. 2 of Resolves 2002, Chapter 110 (see *Appendix A*), submits this final report to the Legislative Council. The Commission's members discussed the design of a Living Memorial in three regularly scheduled meetings between December, 2001 and September, 2002. Attached are summaries (*Appendix D*) of the Commission's deliberations during the meetings of December 12, 2001; May 21, 2002; and September 23, 2002. In addition, the Commission held a public hearing in Augusta on the evening of September 23, 2002.

#### **Summary of Commission work to date**

The Commission was directed to study issues involved in the design of a living memorial in Capitol Park that would be consistent with the Olmsted Brothers plan of 1920 as revised by the Pressley firm in 1990. In accordance with the legislation, the "memorial must be designed to enhance the natural beauty of the park and to provide for quiet reflection on the events of September 11<sup>th</sup> ." The memorial may introduce new or restore existing natural elements such as plantings and walkways, and it may be identified in an unobtrusive and dignified manner. The Commission was also charged with developing recommendations on a funding mechanism for building the memorial.

#### *Study:*

In response to an initial indication that legislation would be introduced to develop a memorial in Capitol Park to memorialize the events of September 11<sup>th</sup> , in October of 2001 the Chair of the Commission asked the Pressley firm to provide a fee proposal for landscape architectural services to update the 1990 Master Plan, and to develop a planting plan for the allée of trees as well as for the area adjacent to Capitol Street. The Pressley firm's proposal formed the basis of the Commission's discussion at its May 21, 2002 meeting, upon which it was decided that revised estimates should be sought for steps that could be taken to enhance or restore the central allée, as well as recommendations for other memorial options.

The Commission's September 23, 2002 meeting was largely devoted to the discussion of the Pressley firm's revised proposal that was composed of two parts (see *Appendix C*): 1) restoration of the allée by reintroducing forty-five missing Red Oak trees, thereby reestablishing an original 1827 feature of the park and its most prominent formal element; and 2) creation of a Living Memorial Garden near the northwest corner of the park bordering Capitol Street which would offer a quiet, contemplative space with seating for those wishing to reflect. The bill's sponsor, Rep. David Etnier, was asked to comment on the proposals. He concurred with the approach that had been taken, liked the proposed plan, and felt that it was fully in keeping with the intent of the legislation. The Commission endorsed the two proposals, subject to future input from a sub-committee on the issues of a maintenance plan and the design of memorial plaques and benches that will be submitted by the Pressley firm.

Recent discussions between Maine Arts Commission Director Alden Wilson and Commission Chair Earle Shettleworth have explored the possibility of using part of the remaining State House percent for art funds to assist in creating appropriate benches for the Living Memorial Garden. This matter will be addressed by the State House Percent for Art Committee at a future meeting.

*Budget/Funding:*

Descriptions, preliminary cost estimates, plant lists, and a planting plan for the two proposals are contained in *Appendix C*. The cost of developing the Living Memorial Garden is estimated at \$183,907, and the cost of restoring the allée is estimated at \$46,494. These figures do not include provisions for establishing an endowment fund for maintenance of the plant materials and trees which the Commission strongly recommends.

With regard to funding, the Commission recommends the multi-faceted approach of a public-private partnership. Public funds could come from the budgets of the Commission and the State House Preservation and Maintenance Fund, both under the control of the Legislative Council, as well as from direct Legislative appropriation when the State budget allows such funding, or through a bond issue. Private fund raising could be accomplished through a non-profit organization using as a model the Friends of the State Museum or the Friends of the Blaine House. In setting a fund raising goal, the Commission strongly recommends that a sufficient amount be included to establish an endowment fund for maintenance of plant materials and trees. Donors of trees could be acknowledged in the new Welcome Center of the State House. Proposed legislation to implement the recommendations of the Commission is in *Appendix B*.

*Summary Statement:*

The State House and Capitol Park Commission recommends acceptance of the design plans for a Living Memorial Garden and allée as developed by Pressley Associates, Inc. It further stands ready to assist the Legislative Council in achieving the goal of establishing a living memorial in Capitol Park in honor of the victims and heroes of the September 11, 2002 tragedy.

Respectfully Submitted,  
Earle G. Shettleworth, Jr., Chair

**STATE HOUSE AND CAPITOL PARK COMMISSION**

**3 MRSA § 901-A**

**Membership**

**May, 2002**

**Chair (Ex-Officio)**

Earle G. Shettleworth, Jr., Director  
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**Appendix A**

**Chapter 110**

**H.P. 1488 – L.D. 2471**



**Chapter 110**  
**H.P. 1488 - L.D. 2471**

**Resolve, to Develop A Living Memorial in Capitol Park in  
Honor of the Victims and Heroes of the September 11, 2001 Tragedy**

**Sec. 1. Design. Resolved:** That the State House and Capitol Park Commission shall study issues involved in the design of a living memorial in Capitol Park dedicated to the victims and heroes of the September 11, 2001, tragedy. Notice of commission meetings relating to a living memorial must be given to the Legislative Council. The memorial must be designed to enhance the natural beauty of the park and to provide a place for quiet reflection on the events of September 11<sup>th</sup>. The memorial may introduce new or restore existing natural elements in Capitol Park such as vegetation planting and walkways consistent with the plan developed for the park by the Olmsted Brothers firm in 1920 and revised by the Pressley firm in 1990. The memorial may be identified in an unobtrusive and dignified manner. The Commission shall hold a public hearing to receive public comment on the establishment of a living memorial in Capitol Park. The Commission shall develop recommendations on a funding mechanism for building the memorial, including, but not limited to, a public and private partnership; and be it further

**Sec. 2 Report. Resolved:** That the State House and Capitol Park Commission shall submit its report, together with any necessary implementing legislation, for introduction in the First Regular Session of the 121<sup>st</sup> Legislature no later than November 6, 2002.



**Appendix B**

**Proposed Implementing Legislation**



**Title: An Act to Implement the Recommendations of the State House and Capitol Park Commission Regarding a Living monument in Capitol Park**

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

**Sec. 1. 3. MRSA §902, sub-§1 is amended as follows:**

**1. Plan.** The commission, with the assistance of the Executive Director of the Legislative Council, shall develop and commend a plan for the preservation and development of the aesthetic and historical integrity of the State House and the grounds specified in section 902-A, subsection 2. By April 1, 1990, the commission shall submit an interim report indicating its progress on the plan to the Legislative Council and the Governor. Upon receipt of the commission's completed plan, the Legislative Council may submit the plan to the Legislature for adoption and enactment as the official state plan for the preservation and development of the aesthetic and historical integrity of the State House. From time to time the commission may submit additional amendments for inclusion in the plan which may be submitted to the Legislative Council for adoption and enactment by the Legislature.

**Sec. 2. 3 MRSA §902, sub-§1-A is enacted to read:**

**1-A. Living Memorial Garden.** The commission shall arrange for and oversee the development and maintenance of a Living Memorial Garden in Capitol Park, the design of which must be consistent with the plan for the garden and allee of trees developed for the commission in 2002 by Pressley Associates, Inc. Development of the Living Memorial Garden is subject to available funding. The commission may seek and accept funds from private and public sources, including the Percent for Art Program, for the development and maintenance of the garden.

**SUMMARY**

This bill is submitted by the State House and Capitol Commission as result of its study pursuant to Resolves 2001, chapter 110. The bill adds to the duties of the commission the responsibility, subject to available funding, to providing for the development and maintenance of a Living Memorial in Capitol Park. The commission may use public and private funds for that purpose.

The bill also makes a technical cross reference correction.



## **Appendix C**

### **Design Recommendations:**

#### **Living Memorial Garden Restoration of Allée of Trees**



## **Capitol Park Living Memorial Garden**

*Augusta, Maine*

The Living Memorial Garden provides an attractive, quiet space for those wishing to reflect. The garden is comprised of a mixture of small ornamental trees, a range of flowering shrubs, benches and a winding path. Located within the garden is a commemorative plaque to memorialize the events of September 11, 2001. Through different flower displays, fall color, ornamental fruits, and interesting branching patterns, the garden provides year-round interest and creates a planting buffer along Capitol Street. This buffer provides enclosure for the garden and in several locations recedes into pockets that have benches for seating and quiet contemplation.

The garden is located in the northern corner of Capitol Park and is accessed from a new stonedust path that connects to the Vietnam Veterans Memorial. The path allows people coming from either the State House or the Vietnam Veterans Memorial to experience and enjoy the Living Memorial Garden.

.....

*Landscape Architecture*

*Site Planning*

*Urban Design*

**CAPITOL PARK, Augusta, Maine**

Preliminary Cost Estimate - Living Memorial Garden

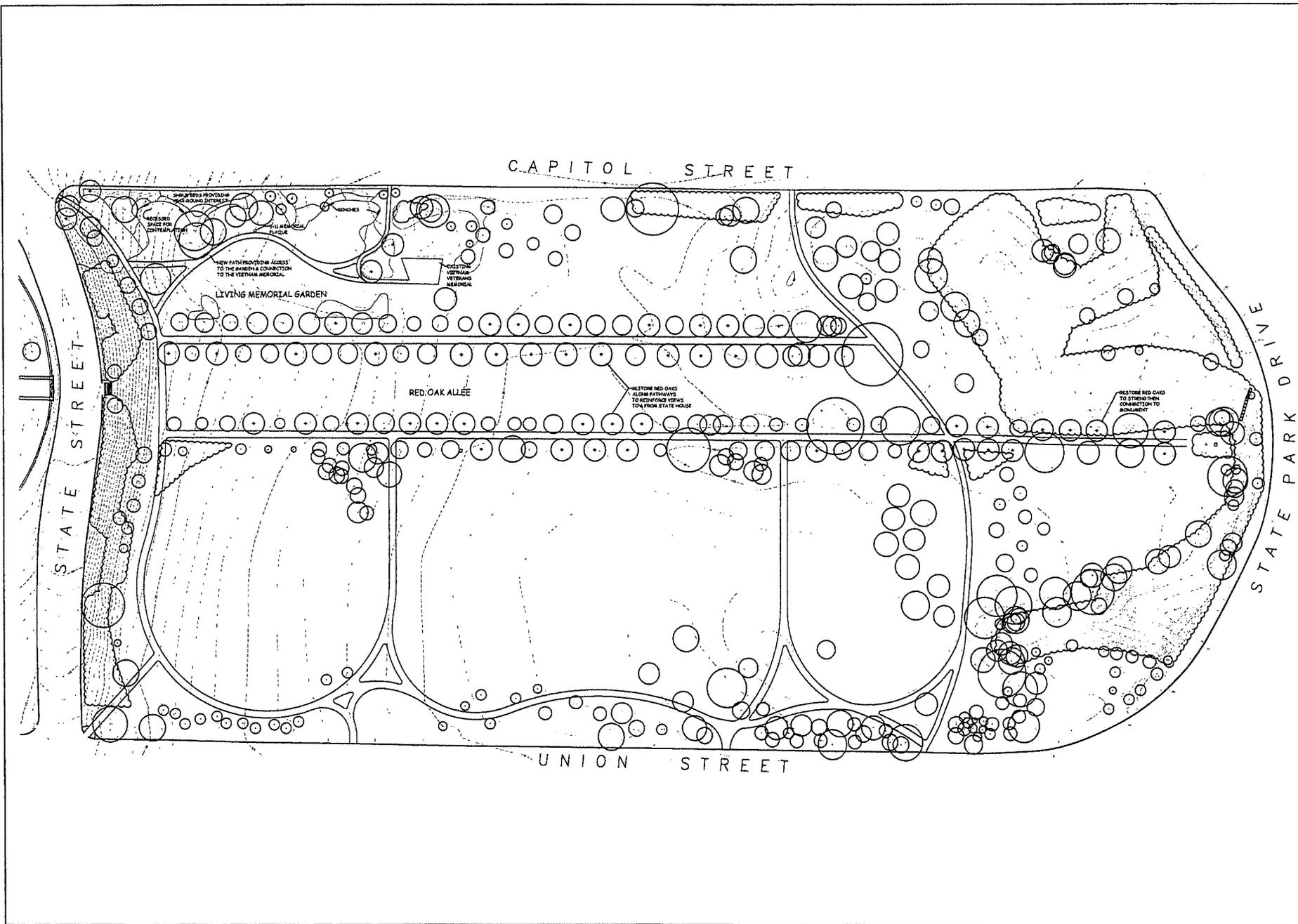
<b>Item</b>	<b>Qty.</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Total</b>
<b>SITE PREPARATION</b>				
Removal/disposal of existing apple grove	20,347	sf	\$3.00	\$61,041
Topsoil stripping & stockpiling	3,620	sf	\$2.00	\$7,240
Selective pruning of existing trees	24	ea	\$1,000.00	\$24,000
Erosion control fence	35	lf	\$2.50	\$88
Protection fence	410	lf	\$2.50	\$1,025
<b>SITE PREPARATION TOTAL</b>				<u>\$93,394</u>
<b>PAVING</b>				
Stonedust paths	2,896	sf	\$2.50	\$7,240
<b>PAVING TOTAL</b>				<u>\$7,240</u>
<b>SITE IMPROVEMENTS</b>				
Benches	6	ea	\$3,500.00	\$21,000
Bronze Plaque	1	ea	\$5,000.00	\$5,000
Trash Receptacles	3	ea	\$1,000.00	\$3,000
<b>SITE IMPROVEMENTS TOTAL</b>				<u>\$29,000</u>
<b>PLANTING</b>				
Trees				
Large Deciduous Tree, 4" cal (Entrance)	2	ea	\$945.00	\$1,890
Large Deciduous Tree, 4" cal (Walkway)	5	ea	\$945.00	\$4,725
Large Deciduous Tree, 4" cal (Vietnam Veterans Memorial)	2	ea	\$945.00	\$1,890
Small Deciduous	7	ea	\$500.00	\$3,500
Shrubs				
High Shrubs	827	sf	\$5.50	\$4,549
Low Shrubs	421	sf	\$15.50	\$6,526
Loam and seed	724	sf	\$0.75	\$543
<b>PLANTING TOTAL</b>				<u>\$23,622</u>
<b>Capitol Park Subtotal</b>				\$153,256
Contingency @ 20%				\$30,651
<b>Capitol Park Total with Contingency</b>				<u>\$183,907</u>

## Plant List

<i>Amelanchier canadensis</i>	Amelanchier
<i>Acer spicatum</i>	Mountain Maple
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster
<i>Crataegus crusgalli</i>	Cockspur Hawthorn
<i>Clethra alnifolia</i>	Clethra
<i>Cornus mas</i>	Corneliancherry Dogwood
<i>Cornus racemosa</i>	Gray-stem Dogwood
<i>Chaenomeles speciosa</i>	Flowering Quince
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Hamamelis virginiana</i>	Witch Hazel
<i>Ilex glabra</i>	Inkberry Holly
<i>Ilex verticillata</i>	Winterberry Holly
<i>Malus sp.</i>	Crabapple
<i>Philadelphus coronarius</i>	Mock Orange
<i>Quercus rubra</i>	Red Oak
<i>Rosa carolina</i>	Carolina Rose
<i>Rhododendron periclymenoides</i>	Pinxterbloom Azalea
<i>Rosa setigera</i>	Prairie Rose
<i>Symphoricarpos albus</i>	Snowberry
<i>Spirea x vanhouttei</i>	Vanhoutte Spirea
<i>Syringa sp.</i>	Lilacs
<i>Viburnum cassinoides</i>	Witherod
<i>Viburnum carlesii</i>	Koreanspice Viburnum
<i>Viburnum dentatum</i>	Arrowwood Viburnum
<i>Viburnum lantana</i>	Lantana Viburnum

# Maine Capitol Park

Augusta, Maine



REVISION	NO.	DATE	REMARKS

PROJECT TITLE  
**Living Memorial Garden**

Scale: 1" = 100'-0"

DESIGNER	DATE

DRAWN BY: TL	CHECKED BY: JH
DATE: 10/28/02	

## **Capitol Park Allée**

*Augusta, Maine*

The allée in Capitol Park dates to 1827 as two paths, each lined with a row of elm trees on both sides. The central grass panel between the two paths was laid out on axis with the façade of the State House. The allée extended from State Street to the Kennebec River. In 1920, when the park grounds were master planned by the Olmsted Brothers, the allée was incorporated into the new design. But by 1920 elm trees were missing and the northern path was modified. In the 1980s, the elms were replaced with Red Oaks, following the Olmsted plan. Currently, there are forty-five oak trees missing from the allée, resulting in a fragmented design. The proposed plan reintroduces the missing trees, thus strengthening the strongest formal element of the park.

.....

*Landscape Architecture*

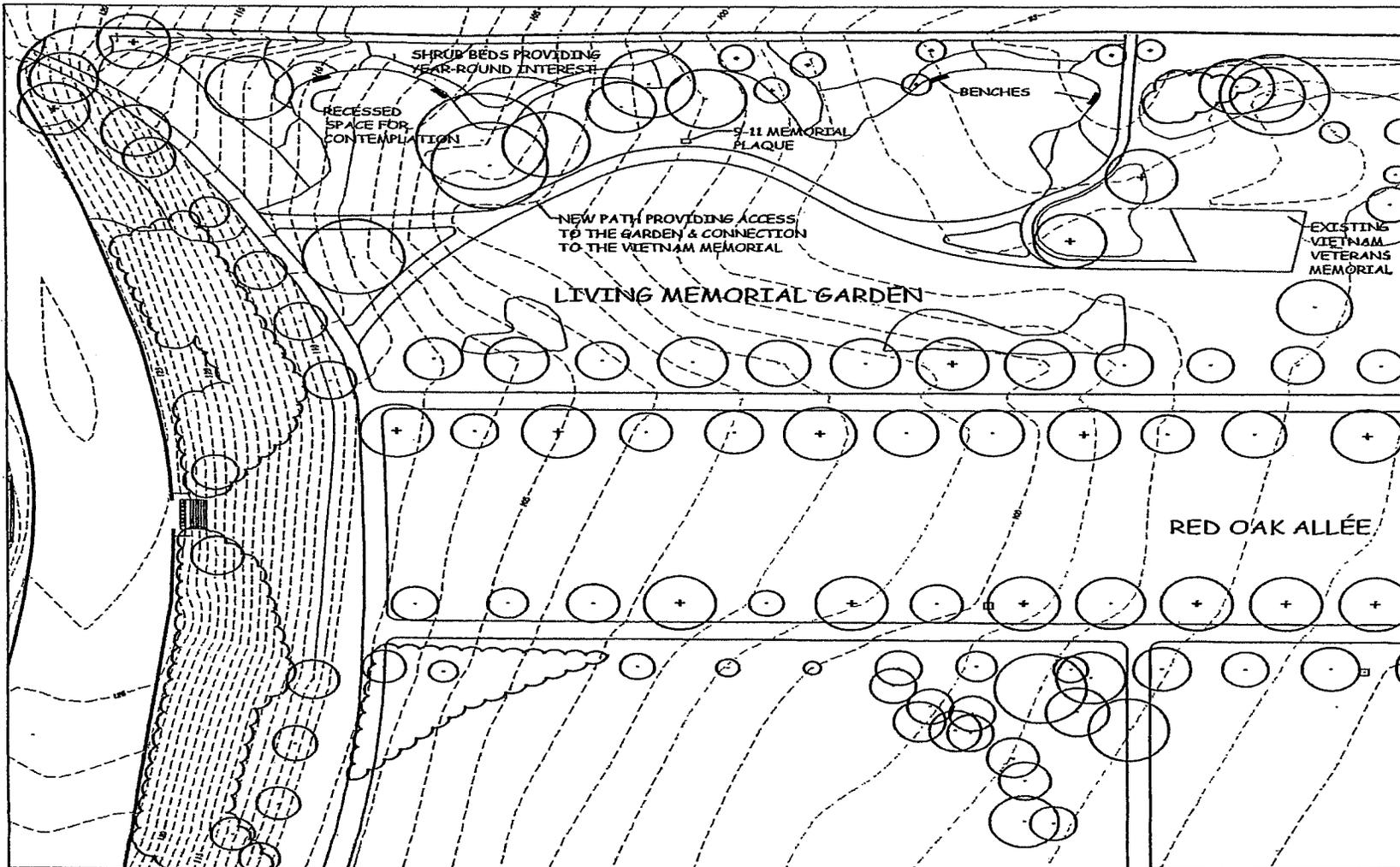
*Site Planning*

*Urban Design*

**CAPITOL PARK, Augusta, Maine**

Preliminary Cost Estimate - Allée

<b>Item</b>	<b>Qty.</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Total</b>
<b>PLANTING</b>				
Trees				
Red Oak (Allée)	41	ea	\$945.00	<u>\$38,745</u>
<b>PLANTING TOTAL</b>				<u>\$38,745</u>
<b>Capitol Park Subtotal</b>				\$38,745
Contingency @ 20%				<u>\$7,749</u>
<b>Capitol Park Total with Contingency</b>				<u>\$46,494</u>



**Prassley**  
 Architects & Planners  
 1000 ...  
 ...

**Maine Capitol Park**  
 Augusta, Maine





**Appendix D**

**Summary of Meetings**

**December 12, 2001; May 21, 2002; September 23, 2002**



## STATE HOUSE & CAPITOL PARK COMMISSION

### Meeting Summary

Wednesday, December 12, 2001  
Room 127, Maine State House

#### **Members Present:**

Earle G. Shettleworth, Jr., Chair  
David Boulter  
Gary Crocker  
Sally W. Rand  
J. R. Phillips  
Sen. Richard Carey

#### **Agenda Item 11:**

#### **Legislative proposal for a September 11th Memorial in Capitol Park**

Rep. Etnier described the idea behind the legislation that he has introduced. Recognizing that existing law constrains the installation of new memorials in Capitol Park, he conceived the idea that the memorial might instead be the act of restoring one area of the park as a contemplative space. Members of the Commission encouraged Rep. Etnier to adopt a "living memorial" approach to his legislation.

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## STATE HOUSE & CAPITOL PARK COMMISSION

### Meeting Summary

Tuesday, May 21, 2002  
Room 334, Maine State House

#### **Members Present:**

Earle G. Shettleworth, Jr., Chair  
David Boulter  
Elaine Clark  
Lucille Cloutier  
Gary Crocker  
Sally W. Rand  
J. R. Phillips  
Eleanor Ames

**Agenda Item 9:  
Living Memorial for Capitol Park**

The Chair reviewed the legislation, as well as an October 30, 2001 proposal from landscape architect Marion Pressley to update the Capitol Park Master Plan.

In the discussion that followed, it was agreed that planning at some level should be undertaken to identify priorities for restoration or partial rehabilitation. Several members questioned the need to revisit the entire Master Plan, although it was pointed out that both the planting plan and the drainage system needs further evaluation. In addition, a recommendation was made that an endowment be created to maintain any new plantings that are installed.

The Chair suggested that he obtain a revised estimate from Marion Pressley on the cost of developing a plan for the allée of trees. She will be asked to address the following tasks: 1) what can be done to enhance the existing allée; 2) what would it take to completely restore it; and 3) what other options would she suggest that may be more modest in scale and cost? In addition, the Chair and David Boulter will discuss the initiation of the study requested by the Legislature on the Memorial.

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**STATE HOUSE & CAPITOL PARK COMMISSION**

**Meeting Summary**

Monday, September 23, 2002  
Room 334, Maine State House

**Members Present:**

Earle G. Shettleworth, Jr., Chair  
David Boulter  
Elaine Clark  
Charles Jacobs  
Lucille Cloutier  
Gary Crocker  
Alden Wilson  
J. R. Phillips  
Eleanor Ames

**Agenda Item 4:  
Living Memorial for Capitol Park**

The Chair gave a brief overview of Rep. Etnier's bill to create a memorial in Capitol Park to the victims of September 11, 2001, and the Commission's charge to develop a plan and report to the Legislative Council by November 6. At the last meeting, it was agreed that Marion Pressley should be asked to provide a revised estimate to restore the allée and to develop an additional design

in keeping with the Master Plan that would be of modest scale and cost.

Ms. Pressley distributed maps of the Olmsted Plan and the Master Plan, as well as her proposals for restoring the allée and creating a garden at the Park's northwest corner. The cost estimate for the trees is \$46,000 and \$180,000 for the garden.

The garden is designed as a contemplative place with a dense planting of deciduous shrubs to create a sense of enclosure and screening from Capitol Street, including a path that is linked to other park paths, and benches. This plan and the selection of plant materials are consistent with the Olmsted Plan for this area of the Park. No specific recommendations have been made for the benches, but they could be granite or metal with wooden slat seats and backs. If so desired, opportunities exist with the benches to affix plaques, and one location has been suggested for a small memorial plaque. The proposed path from the existing Vietnam War Memorial path will be ADA accessible, and no lighting is proposed (consistent with the Master Plan).

Ms. Pressley was asked if any consideration had been given to the drainage problems in the allée, and whether this had been factored into the cost. She noted that the location of the tile field has been established, but that some additional sections could be underdrained. In addition, she noted that many trees have been lost since the Master Plan was developed.

Ms. Pressley was also asked if it was wise to replant the allée in one species, given the past experience with the Elms. She responded that the design concept of an allée is to be consistent in the use of a single species, and therefore she recommends the continued use of Red Oaks.

A discussion ensued about the importance of establishing a maintenance endowment for any new plant materials or structural features that are proposed for the Park. It was suggested that some consideration be given to establishing a non-profit organization that could oversee the fundraising for the memorial, as well as the long term care and maintenance of Capitol Park. Donors of individual trees could be acknowledged in the welcome center at the State House, and it was suggested that the cost of the trees could be increased from the estimate to establish a maintenance fund for them.

Rep. Etnier was asked to comment on the proposed plan. Rep. Etnier responded that he agreed to the approach taken, liked the proposed plan, and felt it was fully in keeping with the intent of the enabling legislation.

Ms. Pressley was asked to develop a maintenance plan for both of her proposals, and to provide some ideas for benches and memorial plaques in consultation with Rep. Etnier. It was recommended that a sub-committee be formed to review her proposals.

The Chair asked for a motion to proceed with the proposals, and after some discussion as to how comments from tonight's public hearing would be addressed,

a **motion** was made and seconded that the proposals developed by Ms. Pressley be approved, subject to input from the public and the sub-committee. The motion was unanimously approved.

The Chair stated that he and Mr. Boulter will develop a draft report for the Legislature based on the two proposals.

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## STATE HOUSE & CAPITOL PARK COMMISSION

### Public Hearing Summary

Monday, September 23, 2002

7:00 pm

Fort Western Room, City Center, Augusta

#### Members Present

Earle G. Shettleworth, Jr., Chair

Rep. David Etnier

Sen. Richard Carey

Lucille Cloutier

David Boulter

Marion Pressley

The announcement of a public hearing on the two proposals for a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001 Tragedy was contained in a newspaper article that appeared in the *Kennebec Journal* on September 20, 2002 (see *Appendix D*). The members present waited for one-half hour, after which, there being no members of the public in attendance, the hearing was closed.

## **Appendix E**

### **Newspaper Articles**

*Kennebec Journal*, December 12, 2001  
*Portland Press Herald*, January 24, 2002  
*Kennebec Journal*, January 25, 2002  
*Bangor Daily News*, January 26, 2002  
*Kennebec Journal*, editorial, January 27, 2002  
*Portland Press Herald*, February 21, 2002  
*Kennebec Journal*, April 17, 2002  
*Kennebec Journal*, August 20, 2002  
*Kennebec Journal*, September 20, 2002



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