

## CHAPTER 17

## MAINE HISTORIC PRESERVATION COMMISSION

**§501. Declaration of policy**

The Legislature declares it is the policy of the State that in order to preserve the architectural, historic and environmental heritage of the people of the State, and to develop and promote the cultural, educational and economic benefits of these resources, the Maine Historic Preservation Commission, as established by Title 5, section 12004-G, subsection 7-D, shall work to implement this policy. [PL 1989, c. 700, Pt. B, §37 (AMD).]

## SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1983, c. 812, §171 (AMD). PL 1989, c. 503, §B116 (AMD). PL 1989, c. 700, §B37 (AMD).

**§502. Maine Historic Preservation Commission**

There is created the Maine Historic Preservation Commission. It consists of 11 members made up as follows: The Commissioner of Transportation or a representative of the Department of Transportation, and the Commissioner of Agriculture, Conservation and Forestry or a representative of the Department of Agriculture, Conservation and Forestry, to serve ex officio; and 9 representatives from among the citizens of the State, one of whom must be elected chair and one of whom must be elected vice-chair, who are known for their competence, experience and interest in historic preservation, 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 must 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. [RR 1991, c. 2, §103 (COR); PL 2011, c. 657, Pt. W, §§5, 6 (REV).]

## SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1971, c. 593, §22 (AMD). PL 1971, c. 618, §12 (AMD). PL 1971, c. 622, §89 (AMD). PL 1973, c. 169, §2 (AMD). PL 1973, c. 460, §19 (AMD). PL 1975, c. 771, §294 (AMD). PL 1979, c. 21 (RPR). PL 1989, c. 700, §B38 (AMD). RR 1991, c. 2, §103 (COR). PL 2011, c. 657, Pt. W, §§5, 6 (REV).

**§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 be compensated according to the provisions of Title 5, chapter 379. [PL 1983, c. 812, §172 (AMD).]

## SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1979, c. 21 (RPR). PL 1983, c. 812, §172 (AMD).

**§504. Duties**

The commission shall set policy with regard to: [PL 1979, c. 21 (RPR).]

**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  
[PL 1979, c. 21 (RPR).]

**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.  
[PL 1979, c. 21 (RPR).]

**2-A. Rules.** The Maine Historic Preservation Commission may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375 to implement this section.  
[PL 1989, c. 647, §1 (NEW).]

**3. Register of historic places.**  
[PL 1979, c. 21 (RP).]

**4. Acceptance of gifts and bequests.**  
[PL 1979, c. 21 (RP).]

**5. Biennial report.**  
[PL 1979, c. 21 (RP).]

**6. Rules and regulations.**  
[PL 1979, c. 21 (RP).]

#### SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1975, c. 771, §295 (AMD). PL 1979, c. 21 (RPR). PL 1989, c. 647, §1 (AMD).

#### §505. Director

**1. Appointment.** The Maine Historic Preservation Commission may appoint a director who must 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 is subject to removal for cause under the Civil Service Law. The commission shall fix compensation for the director within salary range 88.  
[PL 1991, c. 528, Pt. E, §33 (AMD); PL 1991, c. 528, Pt. RRR (AFF); PL 1991, c. 591, Pt. E, §33 (AMD).]

#### **2. Duties.**

A. The Maine Historic Preservation Commission is under the management and supervision of a director who may adopt rules pursuant to the Maine Administrative Procedure Act to implement this section. [PL 1991, c. 824, Pt. A, §56 (RPR).]

B. The director may employ, subject to the personnel laws, such assistants as the business of the office may require. [PL 1979, c. 21 (NEW).]

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. [PL 1979, c. 21 (NEW).]

D. The director may administer a program of state financed grants for the preservation and restoration of historic properties consistent with the following conditions.

- (1) An applicant for a grant must be either a governmental or a nonprofit organization.
- (2) The historic property that is the subject of the grant application must be listed on the National Register of Historic Places as authorized by the National Historic Preservation Act of 1966 or have been nominated to the register by the commission.
- (3) An applicant must provide assurance that public access to the historic property will be reasonably provided with respect to admission fees, visitation hours and physical accessibility, while maintaining the historic integrity of the historic property.
- (4) Applications must address, to the satisfaction of the commission, the applicant's organizational and financial capacity to provide long-term maintenance of the historic property that is the subject of the application.
- (5) Grants may not exceed 50% of the total expense of the proposed project, except that grants to the State may be 100% of the total expense of the proposed project.
- (6) All grants are subject to final approval by the commission.
- (7) Prior to final approval, the commission may require the applicant to execute a covenant to secure continued public access to and maintenance of the historic integrity of the historic property.

With respect to the quality of work to be performed through this grant program, the commission and the director must be guided by the United States Secretary of the Interior's Standards for the Treatment of Historic Properties. [PL 2023, c. 9, §1 (AMD).]

[PL 2023, c. 9, §1 (AMD).]

#### SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1975, c. 771, §296 (AMD). PL 1979, c. 21 (RPR). PL 1983, c. 585, §2 (AMD). PL 1985, c. 785, §B125 (AMD). PL 1989, c. 647, §2 (AMD). PL 1989, c. 700, §§B39,40 (AMD). PL 1991, c. 528, §E33 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E33 (AMD). PL 1991, c. 824, §A56 (AMD). PL 2023, c. 9, §1 (AMD).

#### **§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, with individuals or organizations and institutions for services furthering the objectives of this chapter; and enter into contracts, within the limit of funds available, 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 commission 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. The commission is authorized and empowered to establish an endowment fund. Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. [PL 1991, c. 622, Pt. V, §5 (AMD).]

#### SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1975, c. 771, §297 (AMD). PL 1979, c. 21 (RPR). PL 1991, c. 622, §V5 (AMD).

#### **§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. [PL 1979, c. 21 (RPR).]

## SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1979, c. 21 (RPR).

**§508. Recommendations**

The director shall make recommendations and give assistance to private and governmental bodies as consistent with the purposes of this chapter. [PL 1979, c. 21 (RPR).]

## SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1979, c. 21 (RPR).

**§509. Compliance with federal law**

The State Historic Preservation Officer may adopt rules pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, 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. [PL 1989, c. 647, §3 (AMD).]

## SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1979, c. 21 (RPR). PL 1989, c. 647, §3 (AMD).

**§510. Annual report**

**(REPEALED)**

## SECTION HISTORY

PL 1971, c. 536, §1 (NEW). PL 1973, c. 625, §186 (AMD). PL 1979, c. 21 (RPR). PL 1989, c. 700, §B41 (RP).

**§511. Support for state rehabilitation tax credits**

**1. Program.** The director shall administer, in consultation with the Department of Administrative and Financial Services, Bureau of Revenue Services, a program in support of state rehabilitation tax credits for income-producing historic structures pursuant to Title 36, section 5219-BB. [PL 2007, c. 539, Pt. WW, §1 (NEW).]

**2. Certification.** The director shall certify information necessary for applicants to demonstrate eligibility for an income tax credit under Title 36, section 5219-BB, including, but not limited to:

- A. That rehabilitations of certified historic structures are consistent with the United States Secretary of the Interior's Standards for Rehabilitation; and [PL 2009, c. 361, §1 (AMD); PL 2009, c. 361, §37 (AFF).]
- B. That historic structures are listed in or are eligible for listing in the National Register of Historic Places or are in certified local districts. [PL 2009, c. 361, §1 (AMD); PL 2009, c. 361, §37 (AFF).]
- C. [PL 2009, c. 361, §1 (RP); PL 2009, c. 361, §37 (AFF).]

When performing the certification required by this subsection, the director shall interpret the provisions of this subsection in a manner consistent with the provisions of the federal Internal Revenue Code, Section 47.

[PL 2009, c. 361, §1 (AMD); PL 2009, c. 361, §37 (AFF).]

**3. Administration.** The director may provide forms, instructions and guidelines necessary for an applicant to apply for certification under the program. [PL 2007, c. 539, Pt. WW, §1 (NEW).]

**4. Fees.** The director may establish a schedule of processing fees, the proceeds of which must be used by the director solely for the support of the administration of certifications under this section. The processing fees collected by the director must be placed in a nonlapsing historic rehabilitation certification fund to be used solely by the director for the administration of certifications required under this section.

[PL 2007, c. 539, Pt. WW, §1 (NEW).]

**5. Reports.** The Maine Historic Preservation Commission shall issue the following reports.

A. The Maine Historic Preservation Commission shall issue a report by March 1st of each year that identifies the approved and certified state historic preservation certification applications and documents the number of affordable housing units created, total housing units created, number of affordable housing units preserved, total aggregate square footage rehabilitated and developed, total aggregate square footage of housing, total aggregate square footage of affordable housing, total certified rehabilitation expenses and total new construction expenses. [PL 2007, c. 539, Pt. WW, §1 (NEW).]

B. By January 15, 2013, the Maine Historic Preservation Commission shall review the tax credit provided under Title 36, section 5219-BB and shall make recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding specific proposals for funding the credit. By January 15, 2015 and every 2 years thereafter, the Maine Historic Preservation Commission shall analyze the use of tax credits provided under Title 36, section 5219-BB as an incentive for rehabilitation of historic structures and economic development, analyze tax and other revenues generated by the rehabilitation to determine in relation to the cost of the credit if they exceed the costs of the credit and report the results of its analysis to the joint standing committee of the Legislature having jurisdiction over taxation matters with recommendations as to whether the credits under Title 36, section 5219-BB should be extended, repealed or amended. The recommendations must include specific proposals for funding the credit after fiscal year 2014-15 and appropriate transition provisions in order that projects in the development or planning states are not adversely affected. The joint standing committee may submit legislation related to the report. [PL 2011, c. 453, §1 (AMD).]

[PL 2011, c. 453, §1 (AMD).]

#### SECTION HISTORY

PL 2007, c. 539, Pt. WW, §1 (NEW). PL 2009, c. 361, §1 (AMD). PL 2009, c. 361, §37 (AFF). PL 2011, c. 453, §1 (AMD).

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