

**TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON
JUDICIARY NEITHER FOR NOR AGAINST**

**LD 336: “AN ACT REGARDING STATE RECOGNITION
OF NATIVE AMERICAN TRIBES”**

March 15, 2023

Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on Judiciary, my name is Kirk Mohney and I am both the Director of the Maine Historic Preservation Commission, and the Maine State Historic Preservation Officer. I am providing written testimony today that is neither for nor against LD 336.

LD 336 directs the Maine Historic Preservation Commission to prepare a list of candidates for membership on the proposed Maine Commission on Native American Affairs; it directs the State Historic Preservation Officer to provide administrative support to the commission, including assisting the commission as needed with each of the duties under subsection 5; and in section 26003, subsection 3.E. it directs the State Historic Preservation Officer to appoint a 3-member panel if the applicant and the Commission are unable to agree on the membership of the review panel.

The Maine Historic Preservation Commission was established by the Legislature in 1971 to implement State policy to “preserve the architectural, historic and environmental heritage of the people of the State, and promote the cultural, educational and economic benefits of these resources....”

The Commission’s primary focus is the administration of the program of the National Historic Preservation Act of 1966 in Maine. In carrying out this program the Commission:

- Maintains an inventory of the state's historic and archaeological resources.
- We nominate buildings, structures, sites, objects, and districts to the National Register of Historic Places.
- Commission staff review and comment on federally funded, licensed and permitted undertakings in Maine.
- The staff assists the owners of income producing historic buildings to obtain federal and state historic rehabilitation tax credits.
- The Commission is responsible for developing and maintaining a statewide historic preservation plan. We also provide historic and archaeological resource data to municipalities engaged in local comprehensive planning.

- The Commission administers the Certified Local Government program, which supports municipal historic preservation programs with technical and financial assistance.
- The Commission holds and monitors covenants on historic properties that receive federal and state preservation grant funds.
- We provide historic preservation education by means of workshops, conferences, lectures, and publications; and
- We provide technical assistance relating to historic preservation to the public, non-profit organizations, and governmental agencies at the local, state and federal levels.

LD 336 imposes new responsibilities on the Maine Historic Preservation Commission that are not within its established purpose or its members' expertise in historic preservation. Furthermore, LD 336 imposes new responsibilities on the State Historic Preservation Officer, and I do not have the staffing or funding to assume those responsibilities. In sum, neither the Maine Historic Preservation Commission nor the State Historic Preservation Officer are qualified or set up to implement the tasks that would be assigned to them under this bill.

Thank you for your consideration of the Maine Historic Preservation Commission's comments on LD 336.