94-089 HISTORIC PRESERVATION COMMISSION

Chapter 811: HISTORIC PROPERTY PRESERVATION AND RESTORATION GRANTS

**SECTION 1. GENERAL**

Title 27, section 505 establishes a program of state financed grants for the preservation or restoration of historic properties that are listed in or that have been nominated for listing in the National Register of Historic Places; that are in governmental or non-profit ownership; and that are open to the public.

**SECTION 2. DEFINITIONS**

The following terms used in this rule shall be defined as below:

1. “Commission”means the Maine Historic Preservation Commission as established in 27 MRSA §502.
2. “Development” (Including Archaeology and Pre-development)- *Development* projects involve pre-development and development activities for the restoration or preservation of buildings, structures and sites that are listed in or that have been nominated for listing in the National Register.
   1. “Predevelopment” *Predevelopment* is the historical, architectural, and/or archaeological research necessary to properly and adequately document the historic significance and the existing physical condition of the materials and features of a historic property. Predevelopment must be performed prior to the commencement of development work.
   2. “Development” *Development* projects are activities that preserve or restore historic properties, and may include exterior, interior, or historic landscape work, as well as limited updating of HVAC systems. *The Secretary of the Interior’s Standards for the Treatment of Historic Properties* define appropriate preservation and restoration treatments for historic properties.
   3. “Archaeological Site Protection and Stabilization”- *Archaeological* site protection and stabilization may include survey, limited testing or data recovery, or include revegetation or repair of a site’s physical or structural integrity to reduce or eliminate such damaging forces as erosion. Archaeological testing may be required for any development project that includes any ground disturbance.
3. “Director” means the director of the Commission.
4. “Governmental agencies” means agencies of state government, counties and other political subdivisions of the state.
5. “Historic Property” is a district, site, building, structure, or object that is listed in or that has been nominated for listing in the National Register.
6. “Historic Property Preservation and Restoration Grants” means grants of state monies as authorized by bond issues or other appropriations and as administered by the Commission pursuant to Title 27, Sec. 505(2) (D).
7. **“**National Register of Historic Places” or “National Register”means the official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture that the Secretary of the Interior is authorized to expand and maintain pursuant to Section 101(a)(1) of the National Historic Preservation Act of 1966, as amended.
8. “Non-profit Organizations” means organizations granted tax-exempt status by the State. The University of Maine and Maine Maritime Academy shall be included within this category.
9. “Preservation” is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.
10. “Restoration” is the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular time-period by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.
11. “Standards for the Treatment of Historic Properties” or “Standards” means the United States Secretary of the Interior’s *Standards for the Treatment of Historic Properties* codified as 36 CFR Part 68 in the July 12, 1995 Federal Register (Vol. 60, No. 133).

**SECTION 3. ELIGIBLE PROPERTIES**

Historic Properties owned by governmental agencies or non-profit organizations and that are determined by the Director and the Commission to meet the criteria of this rule in a competitive grant process.

**SECTION 4. EVALUATION CRITERIA**

The following selection criteria shall guide the Director and the Commission in making grant awards. The number of points allocated to each criterion will be established by the Commission and will be explained in the application instructions.

1. The level of historical significance of the property is based on the National Register listing.
2. Extent to which the property is threatened.
3. Appropriateness of the proposed work.
4. Budget and budget process.
5. Administrative and financial management capabilities of the applicant.
6. Public Benefit.
7. Continuing Project.
8. Geographic distribution of applications.

**SECTION 5. FUNDING**

1. The Director, with the advice of the Commission, shall determine the total amount of grant awards to be made each year from available funds, as well as the level of minimum and maximum awards.
2. Unless otherwise directed by law, 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 project.
3. Time limits for the expenditure of grant funds will be established by the Director based on the requirements of the funding source.
4. All grants are subject to final approval by the Commission.

**SECTION 6. ALLOWABLE COSTS**

1. Historic, architectural and archaeological research deemed necessary for pre-construction data collection.
2. Preparation of construction documents (i.e. plans and specifications) developed by a Maine-licensed architect or engineer.
3. Signs acknowledging state assistance at project sites.
4. Exterior and structural preservation and restoration; interior preservation and restoration; necessary improvements to or installation of wiring, heating, plumbing, and fire/intrusion alarm systems; landscaping limited to grading for drainage, restoration of grounds to documented historic appearance, and repair of damage to grounds due to construction.
5. Archaeological site protection and stabilization projects.
6. Preparation of Character Defining Feature forms as part of the Preservation or Stewardship Agreement.
7. Final Project Report, including photography.
8. General Conditions for Construction Contracts when identified as a line item in the project application.

**SECTION 7. ADMINISTRATION**

1. General Supervision- The Director shall supervise all grant awards and the projects financed by such awards.
2. Applications- Applications shall be processed according to the procedures set forth in this rule.
3. Enforcement- Where it is determined that any grant recipient has not fulfilled the terms of the Grant Agreement, and administrative efforts to obtain compliance are unsuccessful, the Director shall refer the matter to the Attorney General for enforcement action.

**SECTION 8. GRANT AWARD PROCEDURES**

1. Application Information- The Director will announce the availability of grant applications and grants manuals containing the rules and other information pertaining to the administration of Historic Property Preservation and Restoration Grants.
2. Application Procedure- Applicants are required to submit a Historic Property Preservation and Restoration Grant Application with all the checklist items in accordance with the application instructions. To be considered, an application must be fully completed and submitted by the announced deadline.
3. State Agencies- Any department or agency of state government may apply for a Historic Property Preservation and Restoration Grant with the approval of the Department or agency head. Projects involving state owned historic properties may be subject to the provisions of 5 M.R.S.A. Chapter 153.
4. Other Governmental Agencies- Applications from other governmental agencies shall be approved by the legislative body of the political subdivision prior to submitting the application.

**SECTION 9. GRANT AWARD REQUIREMENTS**

1. Stewardship/Preservation Agreements - A successful grant recipient shall enter into a Stewardship or Preservation Agreement to ensure maintenance of the historic property and public benefit requirements. 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. The duration of the agreement will be determined by the amount of the grant award, as follows:
   1. State assistance from $1 to $10,000: a 5-year Stewardship Agreement; or
   2. State assistance from $10,001 to $25,000: 5-year Preservation Agreement; or
   3. State assistance from $25,001 to $50,000: 10-year Preservation Agreement; or
   4. State assistance from $50,001 to $100,000: 15-year Preservation Agreement; or
   5. State assistance from $100,001 and above: 20-year Preservation Agreement.
2. Payment Procedures
   1. Grant awards shall be paid on a reimbursement basis only. Recipients shall submit to the Director copies of all bills approved in writing by the project manager for the project and copies of canceled checks in payment of such bills.
   2. Upon receipt of the required documentation, the Director will issue a check for the state’s share of the incurred costs.
   3. A final project report by the project manager must be completed in accordance with the application instructions and accepted by the Director prior to payment of the final grant award monies.
3. Project Work
   1. A detailed scope of work must be prepared, and for structural or engineering projects, or projects involving HVAC, a professional engineer or architect must be involved in the preparation of construction documents (plans and specifications). The Director may require additional specialized professional expertise and analysis for projects that include archaeological resources or other complex property restoration or preservation work.
   2. A sign which acknowledges state assistance through the Historic Property Preservation and Restoration Grants Program, administered by the Maine Historic Preservation Commission and funded by the State of Maine shall be in place at the project site.
   3. A final report of the project, including photography, shall be submitted to the Director upon completion of the project.
   4. Project work shall conform to The Secretary of the Interior’s Standards for the Treatment of Historic Properties: Restoration or Preservation.

**SECTION 10. CIVIL RIGHTS REQUIREMENTS**

**Maine Human Rights Act of 1972 (**5 M.R.S.A § 4551, et.seq.) prohibits discrimination on the grounds of religion or gender. Any person who believes he or she has been discriminated against on these or the above grounds in any program, activity, or facility operated by a recipient of State assistance should write to: Maine Human Rights Commission, State House Station 51, Augusta, Maine 04333-0051.

**SECTION 11. CONFLICT OF INTEREST PROHIBITIONS**

No person shall participate in the selection, award, or administration of a grant, contract, or subcontract assisted by a Historic Property Preservation and Restoration Grant if a conflict of interest, real or apparent, would result. A conflict of interest is deemed to consist of any financial or other personal interest in such grants or contracts if such involvement can be expected to result in subsequent financial remuneration. Conflict of interest would arise when any of the following has a financial or other interest in the selection of grant awards, architectural/engineering services or any contractors or subcontractors:

1. Staff members of the Commission or Commission members.
2. Any members of their immediate families.
3. Any of their business partners.
4. Organizations which employ, or are about to employ, any of the above.

However, Commission members who abstain from the decision-making process for grants during the year shall not be considered ineligible to take part in, or benefit from, such activity.

**SECTION 12. APPEAL PROCEDURE**

1. Appeal Requests. An applicant may appeal against any decision by the Director. A request for an appeal shall be made in writing to the Commission Chair within 30 days of receipt of the decision which is the subject of the appeal. Any such appeal must set forth the manner in which the aggrieved claims the decision was arbitrary or unreasonable.
2. Decisions. In considering appeals, the Commission may take into account alleged errors in professional judgment or alleged prejudicial procedural errors.
3. Final Administrative Remedy. The decision of the Commission shall be the final administrative decision on the appeal. No organization or governmental body shall be considered to have exhausted its administrative remedies with respect to decisions described in this part until the Commission Chair has issued a final administrative decision in writing to the applicant in response to this section.
4. An aggrieved applicant may be awarded a grant or an increased grant amount where previously denied or limited to a lower figure only when the grant would not require the denial or decrease in a grant award of other eligible applicants which have already executed Letters of Agreement or covenants.

STATUTORY AUTHORITY: 27-A M.R.S.A. §§504, 505, P. and Sp. L. 1985, c. 73.

EFFECTIVE DATE:

March 9, 1986

EFFECTIVE DATE (ELECTRONIC CONVERSION):

April 21, 1996

NON-SUBSTANTIVE CHANGES:

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AMENDED:

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