

GUIDELINES
FOR THE
CERTIFIED LOCAL
GOVERNMENT PROGRAM
IN
MAINE

Maine Historic Preservation Commission

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1. STATEMENT OF PURPOSE

The purposes of the Certified Local Government Program, as outlined in Chapter 9 of the National Park Service's Historic Preservation Fund Grants Manual, are: (1) to ensure the broadest possible participation of local governments in the national historic preservation program while maintaining standards consistent with the National Historic Preservation Act (Act), and the Secretary of the Interior's "Standards and Guidelines for Archeology and Historic Preservation;" (2) to enrich, develop, and help maintain the preservation of prehistoric and historic sites, structures, objects, buildings, and districts by establishing and maintaining local historic preservation programs in partnership with the State Historic Preservation Officer (Maine Historic Preservation Commission); and, (3) to provide financial and technical assistance to further these purposes. Such partnerships will help to assure that:

- historic preservation issues are understood and addressed at the local level and integrated into the local planning and decision-making processes at the earliest possible opportunity;
- local interests and concerns are integrated into the identification, evaluation, nomination, and protection processes of the Maine Historic Preservation Commission (MHPC);
- information concerning local historic preservation issues is provided to the MHPC and to the public;
- local historic resources legislation and historic preservation commissions are established in municipalities where they do not yet exist and are updated, if necessary, where they already exist; and
- information in the Maine Historic Resources Inventory can be made available to the local community to use in identifying and defining community and neighborhood development and conservation areas.

By participating in the identification, evaluation, and protection of historic resources within their communities, Certified Local Governments (CLG):

- assume a leadership role in the preservation of historic resources in their community;
- have an advisory role in the National Register of Historic Places (National Register) nomination review process;

- participate in statewide historic preservation planning;
- are eligible to compete for grant funds from the annual CLG pass-through;
- receive technical and advisory services from MHPC;
- receive state-wide and national acknowledgment of the quality of the local historic preservation program; and
- make a written commitment to their own citizens and the citizens of Maine that their local heritage is important and worth protecting.

2. FEDERAL MINIMUM REQUIREMENTS FOR CERTIFICATION

Any general purpose political subdivision of the state of Maine that also meets the criteria set forth in this document is eligible to apply for certification.

36 CFR Part 61.6 (e) of the National Historic Preservation Act (Act), as amended, contains five broad standards which must be met by a local government seeking certification. The local government:

- must enforce appropriate state or local legislation for the designation and protection of historic properties;
- must establish an adequate and qualified historic preservation review commission by state or local legislation;
- must maintain a system for the survey and inventory of historic properties that furthers the purposes of the Act;
- must provide for adequate public participation in the local historic preservation program, including the process of recommending properties to the National Register; and
- must satisfactorily perform the responsibilities delegated to it under the Act.

The following sub sections outline how these requirements are met through the guidelines set forth by the MHPC. A more in-depth explanation of these federal standards can be found in Chapter 9, Section D of the Historic Preservation Fund Grants Manual (most recent version).

A. MINIMUM REQUIREMENTS FOR LOCAL LEGISLATION

Local legislation for designation and protection of historic properties by CLGs in Maine is required and must contain the following components:

- 1) **statement of purpose**- should give a brief overview of why the ordinance was created and its intent. This should be carefully considered; a statement of purpose may be used to determine whether a decision related to the ordinance is justifiable;
- 2) **definitions**- must, at a minimum, include definitions of designation and protection (ie. Historic District, Historic Landmark, Historic Site) that meet federal statutory definitions. However, the list of definitions should include any term that may be subjective or may not be recognized by everyone;
- 3) **specific purposes, membership, and duties of review body** (Historic Preservation Commission or Review Board)- appointment procedures for members, qualifications of members, terms of appointment, duties and powers;
- 4) **criteria for designation** - the identification and registration standards for evaluation of local landmarks and/or districts being considered for designation. These standards shall be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged;
- 5) **designation procedures** for local landmarks and districts- process for applying the criteria for designation to properties and/or districts and registering these resources in local historic preservation legislation. Individual property designations should be with the property owner's consent. Historic district designations should be with the consent of the majority of the property owners within the district;

- 6) **public hearings and notification**- provisions for assuring public inclusion and allowing comment on proposed amendments, notifications, and reviews;
- 7) **mandatory review of alterations, demolition, building relocation or new construction** (Certificates of Appropriateness)- within the boundaries of designated individual landmarks or districts *or* which may affect such landmarks or districts;
- 8) the **Secretary of the Interior's Standards for the Treatment of Historic Properties** (most current revision) should form the basis of the criteria developed for decisions by the local commission concerning alteration, demolition or new construction;
- 9) **procedure and specific time frames for review and consideration of alternatives**- should include description of the necessary application materials needed for the issuance of a Certificate of Appropriateness;
- 10) **penalties for non-compliance**; and,
- 11) **appeal procedures** -both non-compliance and appeal procedures may be included elsewhere in a municipality's ordinance if the historic preservation ordinance is part of the overall zoning ordinance. If this is the case, reference should be made in the historic preservation section of where both procedures can be found in the zoning ordinance.

As a general guideline the statute must contain criteria which will substantially achieve the purpose of designating and protecting historic resources including prehistoric and historic archaeological sites, buildings, objects and structures of historical significance in order that any work affecting them undertaking will meet appropriate preservation standards.

B. ESTABLISH AN ADEQUATE LOCAL REVIEW COMMISSION

The Act defines a historic preservation review commission as a "board, council, commission, or other similar collegial body established by state or local legislation as provided in Section 101(C) (1) (B), and the members of which are appointed, unless otherwise provided by state or local legislation, by the chief elected official of the jurisdiction concerned from among:

- * individuals who meet “the Secretary’s (Historic Preservation) Professional Qualification Standards” in the disciplines of history, historic or prehistoric archaeology, and architectural history, to the extent such professionals are available in the community concerned; and
- * persons having a demonstrated interest, competence, or knowledge in historic preservation as will provide for an adequate and qualified commission; and
- * when a professional discipline is not represented in the commission membership, the commission will document an adequate search for the requisite professional member (i.e., advertisements in local newspapers, etc.) and document how they will seek expertise in the appropriate disciplines from persons meeting the Secretary’s (Historic Preservation) Professional Qualification Standards, as appropriate.

a. Requirements of Local Review Commissions

Minimum requirements for local review commissions for CLGs in Maine are:

- 1) Each CLG shall have a commission with a minimum of five (5) members (except that communities with less than approximately 5,000 population may have as few as three members on the commission);
- 2) All members of the commission shall have a demonstrated interest, knowledge, or training in historic preservation or closely related fields. Where professionals are available in the community qualifications will conform to the Secretary of the Interior's Historic Preservation Professional Qualifications Standards. Information on the credentials of the commission members must be kept on file and available to the public;
- 3) Each commission member is encouraged to attend at least one informational or educational meeting, when available, sponsored by the MHPC, pertaining to the work and functions of the local review commission or to historic preservation. These orientation and training sessions shall also be designed to provide a working knowledge of the roles and operations of Federal, State and local preservation programs;

- 4) Terms of office of commission members shall be staggered and of three (3) years duration (except as provided in the initiation of a commission). There need not be a limit on the number of consecutive terms served by any one member. The Commission shall have an established rule of procedure, including a code of conduct;
- 5) The local appointing authority shall act within sixty (60) days to fill a vacancy, including expired terms; and
- 6) An annual report of the activities of the commission shall be submitted to the MHPC. For information on the requirements of the annual report, see Appendix A.

b. Duties of Local Review Commissions

Duties of local review commissions which shall be carried out in coordination with those of the MHPC include at a minimum:

- 1) review alterations, relocation, demolition, and other actions affecting designated historic properties under its jurisdiction;
- 2) review all new construction affecting designated historic properties and/or districts within its jurisdiction to determine if locally designated historic properties will be affected;
- 3) review all proposed National Register nominations for properties within its jurisdiction;
- 4) conducting or causing to be conducted a continuing survey of cultural resources in the community according to guidelines established by the MHPC;
- 5) making recommendation for designation of local landmarks and historic districts to the appropriate local governing body and keeping records of such decisions;

- 6) establishing and using written guidelines for the preservation of designated local landmarks and historic districts in decisions on requests for permits for new construction, alterations, demolition, relocation, additions to, or other actions affecting listed landmarks and buildings within historic districts;
- 7) acting in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;
- 8) acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation; and
- 9) working toward the continuing education of citizens within the CLG's jurisdiction regarding historic preservation issues and concerns.

C. SURVEY STANDARDS

CLG's must establish a process for undertaking a survey of the cultural resources within their jurisdiction. Where surveys have already been undertaken or are underway, a process for the continuation, maintenance and organization of this survey data must be defined. The inventory of survey data should be maintained in a secure public facility. All survey activities must be coordinated with and be complimentary to the Statewide Historic Preservation Plan.

As described in Chapter 6 Section H.1 of the National Park Service's Historic Preservation Fund Grants Manual, "Survey is activity directly pertinent to the location, identification, and evaluation of historic and archeological resources. Inventory activity relates to the maintenance and use of previously gathered information on the absence, presence, and (c) of historic and archaeological resources within the State."

The MHPC will provide the framework and guidelines to assist the CLG in undertaking any architectural survey within its community. Architectural surveys must follow guidelines outlined in the MHPC's Above Ground Survey Manual and be coordinated with the MHPC's Survey Coordinator.

All surveyed architectural properties will be entered into the Cultural and Architectural Resources Management Application (CARMA) database, which is available to the public. Hard copies of the survey forms, maps, and survey reports shall be submitted to the MHPC.

With regard to archaeological surveys, these resources are protected under Chapter 27 of the Maine Revised Statutes Annotated, sections 371-378 (27MRSA § 371-378). Specific site locations

are not for public knowledge due to the sensitivity of the resource. The MHPC archaeology staff can provide GIS layers to towns for enforcement of shoreline zoning. Due to the nature of the archaeological information, any archaeological investigations should be completed by a professional archaeologist approved by the MHPC. Prior to any of this work being undertaken, the MHPC shall be notified.

D. PUBLIC PARTICIPATION

General

All meetings of the historic preservation commission must be publicly announced, be open to the public, and have a previously available agenda. Public notice must be provided prior to any special meetings. Minutes of all meetings, including description of all decisions and actions of the commission and the reasons for making these decisions, must be kept on file and available for public inspection.

In regard to the confidentiality of the location of sensitive historic resources, Section 304 of the National Historic Preservation Act may apply if public disclosure of said information will: 1) cause a significant invasion of privacy; 2) risk harm to the historic resource; or 3) impede the use of a traditional religious site by practitioners.

National Register Nominations

The MHPC and the CLG will work together to provide ample opportunity for public participation in the nomination of properties to the National Register. All reports submitted by the CLG to MHPC regarding the eligibility of properties shall include assurances of public input.

3. CERTIFIED LOCAL GOVERNMENT PARTICIPATION IN THE NATIONAL REGISTER PROCESS

In accordance with the Act, the CLG shall submit a report to the MHPC regarding the eligibility of each property or district proposed for nomination to the National Register within their jurisdiction. This report shall include the recommendation of the local preservation commission and the chief elected official. The report must discuss the property's eligibility under the National Register criteria and the recommendations based on the property's eligibility. A copy of the report prepared by the CLG for the MHPC shall be made available for public inspection within the local jurisdiction.

When a commission considers a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline and that discipline is not represented on the commission, the commission shall seek expertise in this area before rendering its decision. The MHPC suggests that local governments try to find interested individuals with expertise to serve on the commission. Qualified professionals may be found by consulting with the MHPC staff. Alternately, commissions should explore the possibility of sharing this expertise among several communities.

The CLG will be involved in the National Register process in the following manner:

- a. Before a property within the jurisdiction of the CLG may be considered by the State for nomination to the Secretary of the Interior for inclusion in the National Register, the State Historic Preservation Officer (SHPO) shall notify the owner, the applicable chief local elected official, and the local historic preservation commission in accordance with 36 CFR 61, 36CFR 60 and State procedures and/or guidelines. The SHPO will notify the chief elected local official and the commission at least 60, but no more than 120 calendar days prior to State Review Board considerations. After providing a reasonable opportunity for public comment, the commission shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty calendar days of notice from the SHPO, the chief local elected official shall transmit the report of the commission and his/her recommendation to the SHPO. After receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to section 101(a) of the Act. The State may expedite such process with the concurrence of the CLG.
 1. If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the SHPO shall take no further action, unless within thirty days of the receipt of such recommendation by the SHPO an appeal is filed in accordance with Section 101 (c)(2) of the Act and 36 CFR 60. If either or both the commission and the local chief elected official recommend that the property is eligible for nomination, the SHPO will present the nomination to the State Review Board in accordance with the procedures in 36 CFR 60, and 36 CFR 61.
- b. The CLG may contract with qualified professionals to prepare National Register nominations. All nominations will be reviewed by MHPC for completeness and accuracy. In cases where a National Register nomination is prepared and processed

directly by or through a CLG and the CLG recommendation and report are submitted to the State Historic Preservation Officer with the nomination package, the CLG notification procedures outlined in 3.a. do not apply.

- c. CLG notification procedures do not apply when a Federal agency nominates a property under its ownership or control. CLGs are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations.

4. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS

- a. The chief elected official of the appropriate local governing body shall request certification from the MHPC. The request shall include: 1) the legal instrument (s) creating the commission; 2) a written assurance that the local government fulfills all the requirements outlined above; 3) a copy of the local historic preservation ordinance; 4) a list and accompanying maps of the areas designated as historic districts or individual landmarks; and 5) resumes for each of the members of the historic preservation commission.
- b. The SHPO shall respond to the chief elected official within sixty days of receipt of an adequately documented written request. If the application is not complete, MHPC will so inform the applicant within thirty days.
- c. If the SHPO determines that the local government fulfills the requirements for certification, the MHPC will enter into a written certification agreement with the local government which specifies the duties delegated to the local government. The State Historic Preservation Officer will forward a copy of the signed certification agreement between the local government and the SHPO to the United States Secretary of the Interior, or designee, and shall respond to the local government within fifteen days of the Secretary's response.
- d. The local government shall be certified to participate in the CLG program when certified by the SHPO and the Secretary of the Interior.

- e. Once a local government is certified it remains certified without further action unless, after substantive review, the MHPC recommends and proceeds with decertification or the local government requests that it no longer wishes to be certified.

5. PROCESS FOR MONITORING AND DECERTIFICATION OF CERTIFIED LOCAL GOVERNMENTS

- a. The MHPC shall conduct periodic review (not less than once every 4 years) and monitoring of CLGs to assure that each government is meeting the required standards.
- b. The MHPC shall review the annual reports submitted by CLGs, records of the administration of any funds allocated from the Historic Preservation Fund (HPF), and other pertinent documents such as Programmatic Memoranda of Agreement where appropriate. (Evaluations will be made against the performance standards which will be provided separately and incorporated into each CLG agreement.)
- c. The CLG shall make all pertinent records and materials available to the MHPC.
- d. If the MHPC finds the CLG's performance in carrying out its historic preservation responsibilities inadequate at any time during the year or makes that finding after review of the CLG's annual yearend report, the MHPC shall document that assessment in writing and recommend steps that the CLG may take to improve its performance. The MHPC will provide advice and assistance to CLGs when performance is inadequate. The CLG shall have a period of not less than 30 nor more than 120 days, depending on the corrective measures required, to implement improvements. The SHPO may elect to extend this period in unusual circumstances. If the MHPC determines that sufficient improvement has not been made after the specified time period, the MHPC will recommend decertification of the Local Government to the Secretary of the Interior. This recommendation will cite specific reasons for the request. If the Secretary does not object within 30 working days of receipt, the decertification will be considered approved.
- e. Local certified governments may petition the SHPO to be decertified voluntarily and without prejudice.

- f. Upon decertification, CLG grant funding to the local government may be terminated.

6. TRANSFER OF HISTORIC PRESERVATION FUNDS TO CERTIFIED LOCAL GOVERNMENTS

A minimum of 10% of the State's annual appropriation from the HPF of the Department of the Interior will be designated for funding projects by CLGs as provided by Congress. All grants in Maine will be awarded on a 60/40 matching basis (federal/local). Funding of specific projects or activities must meet federal and state criteria for use of CLG funds. CLGs receiving HPF grants from the CLG share shall be considered subgrantees of the State.

All CLGs within the state are eligible to receive funds from the CLG pass-through. However, the SHPO is not required to award funds to all governments that are eligible to receive funds. MHPC shall make available to the public, upon request, the rationale for the applicants selected and the amounts awarded. Awards will be based on priorities established in the state historic preservation plan.

Project application forms, sample contracts, selection criteria, and funding priorities will be available in the MHPC grants manual. The criteria will be coordinated with those used to select survey, planning and development grants during a specific fiscal year. Funds must be applied for annually. Funding in any prior year does not guarantee continued funding.

Each CLG intending to seek funds must complete a project application and budget form by the annual deadline. Application forms, annual MHPC priorities for funding and criteria for awarding survey, planning and development grants will be made available each year. Applications for grants must be received by the deadlines described in the materials for funding in the next fiscal year. MHPC will review all applications and make a tentative decision within ninety days of that date. A final decision must await approval of the MHPC annual grant by the National Park Service.

In general, eligible activities will include any project which furthers the goals of identification, evaluation, registration, and protection of the community's cultural resources. This would include survey, nomination of properties to the National Register, public education programs, planning studies, research, preservation, rehabilitation, or restoration efforts, and the development of a comprehensive historic preservation plan.

All CLGs which receive funding are considered subgrantees of the State and shall adhere to all requirements of the HPF Grants Manual and maintain an adequate financial management system as specified in Office of Management and Budget circular A-102 Attachment, "Standards for Grantee Financial Management Systems," as well as any specific requirements mandated by Congress regarding the use of such funds. Local financial management systems shall be auditable in accordance with the General Accounting Office's Standards for Audit of Governmental Organizations Programs, Activities & Functions. The MHPC is responsible for proper accounting of HPFs grants to CLGs in accordance with Office of Management and Budget circular A-133 entitled "Audit Requirements." Grants made from the HPF cannot be used as matching share for other federal grants, except for HUD, unless authorized. Only direct costs may be charged as part of the project unless the CLG has a current indirect cost rate approved by a cognizant Federal agency.

Use of federal funds will be limited by all existing restrictions imposed by the federal government. The intent of HPF assistance is to augment, not replace, existing local commitment to historic preservation activities.

Local governments may be certified and may participate in the review and approval of National Register nominations whether or not they elect to apply for grants from the HPF.

Once a local government is certified it remains certified, without further action, unless officially decertified. Grants for CLGs, on the other hand, are awarded on a yearly competitive basis, according to availability. Because a local government is given a grant one year does not mean a grant will be available the following year.

7. AMENDMENTS TO NATIONAL PARK SERVICE-APPROVED STATE PROCEDURES

With the exception of changes required as a result of National Park Service (NPS) directives or regulatory changes, the MHPC will follow appropriate consultation procedures as described below when amending NPS-approved State certification and Pass-Through CLG Procedures:

- * For proposed amendments affecting the major requirements for becoming a CLG or operating a CLG program, or the policy for allocating Pass-Through funds, the MHPC will consult with local governments, local historic preservation commissions, and all other parties likely to be interested in the CLG program and CLG issues; it will consider local preservation needs and capabilities, and invite comments on the proposed amendment from local governments,

commissions, and parties in the state likely to be interested. The MHPC will allow for a 60-day period for public comment on the proposed amendment.

- * For minor changes, technical corrections, and changes required by NPS policy directives, the MHPC will send a written notification to all CLGs.

If the NPS approves the amendment (s), the MHPC will: notify all CLGs in writing; and send amended certification agreements to NPS for each CLG affected by the amendment of the State procedures within 120 calendar days.

Glossary

Unless otherwise noted (*), the following terms are defined by the NPS in the HPF Grant Manual, June 2007 Release.

Archaeological Site.* A bounded geographic location containing the physical evidence of previous human occupation including but not limited to structures, artifacts, graphics (paintings or drawings) and discarded material including plants or animals.

Building. A man-made construction created to shelter human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Chief Elected Local Official. 1) The elected head of a local government. 2) The mayor, county judge, county executive, or otherwise titled chief elected administrative official who is the elected head of the local political jurisdiction in which a property is located.

Contributing Property (Resource). A property or resource that has historical significance through location, design, setting, materials, workmanship, feeling, or association, and adds to the sense of time and place and historical development in a historic property (i.e. a National Register eligible property or resource).

Evaluation. Evaluation is the process of determining whether identified properties meet defined criteria of significance and therefore should be included in an inventory of historic properties determined to meet the criteria. (From NPS: https://www.nps.gov/history/local-law/arch_stnds_3.htm)

Local Landmark.* Any site, building, or structure of particular archaeological, historic or architectural significance to the municipality relating to its heritage, cultural, social, economic or political history, or which is associated with historic personages or important events in local, state or national history which has been designated in accordance with the municipality's historic preservation ordinance.

Historic District. A geographically definable area, urban or rural, that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Historic Preservation. "historic preservation," or "preservation" includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation and education and training regarding the foregoing activities or any combination of the foregoing activities.

Historic Preservation Fund. The source from which monies are appropriated to fund the program of matching grants-in-aid to the States (and other authorized grant recipients) for carrying out the purposes of the National Historic Preservation Act of 1966, as amended.

Historic Property. Any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource

Identification. Identification is undertaken for the purpose of location historic properties and is composed of a number of activities which include, but are not limited to archival research, informant interview, field survey, and analysis. Within a comprehensive planning process identification is normally undertaken to acquire property-specific information needed to refine a particular historic context or to development any new historic contexts.

Integrity. The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Inventory. 1) A listing of historic properties determined to meet specified criteria of significance. 2) A list or compilation of what is known about resources within a specified jurisdiction. An inventory includes historic properties and other properties that have been evaluated but found to be not significant in relation to the specified criteria.

Maine Historic Resources Inventory.* Established in the early 1970s, the inventory presently contains records for over 52,000 above ground resources and over 10,000 prehistoric and historic archaeological sites located within the state of Maine.

National Register Criteria. The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

National Register of Historic Places (National Register). The national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture, maintained by the Secretary of the Interior under authority of Section 101 (a)(1)(A) of the National Historic Preservation Act of 1966, as amended.

Nomination (to Nominate). to nominate is to propose that a district, site, building, structure or object be listed in the National Register or, where a private owner or a majority of owners object to listing, the property be determined eligible by submitting a nomination form, with accompanying maps and photographs with adequately document the property and are technically and professional correct and sufficient.

Object. A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Preservation. 1) see historic preservation. 2) 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 the 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.

Protection. 1) the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack, or to cover or shield the

property from danger of injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measure may be temporary or permanent. 2) Also, “protection” means a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to Section 101 (c) of the National Historic Preservation Act of 1966, as amended.

Reconstruction. The act or process of depicting, by means of new construction, the form features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replication its appearance at a specific period of time and in its historic location.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions of features of the property which are significant to its historical, architectural, and cultural values.

Restoration. The act or process of accurately depicting the form, features, and character of the property as it appeared at a particular period of time 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.

Secretary of the Interior's Standards and Guidelines. The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation provide technical information about historic preservation activities and methods. The Standards and Guidelines are prepared under the authority of Section 101 (f), (g) and (h) and Section 110 of the National Historic Preservation Act of 1966, as amended. The subjects covered in the Standards and Guidelines include: Preservation Planning, Identification, Evaluation, Registration, Historic Research and Documentation, Architectural and Engineering Documentation, Archaeological Documentation, Treatment of Historic Properties, Professional Qualifications and Preservation Terminology.

Site. The location of a significant event; an Archaeological Site; a landscape or traditional cultural property; or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Structure. A man-made construction built for the purposes other than shelter. It can be an engineering project large in scale, such as a bridge or tunnel.

APPENDIX A: FORMS

Annual Report Requirements

Annual reports are to be submitted to MHPC for each federal fiscal year: October 1- September 30th and must include the following:

A. Local Legislation:

1. Copies of any new ordinances, amendments, regulations, by-laws, or guidelines enacted during this period.
2. List of new historic district or landmark designations. Please also submit a copy of a map showing site locations.
3. Number of cases reviewed under the authority of the local ordinance with a summary of the
4. action taken:

Alterations:	Approved_____	Denied_____
Demolitions:	Approved_____	Denied_____
New Construction:	Approved_____	Denied_____

B. Historic Preservation Commission and Staff:

1. Number of historic preservation commission meetings held during this period.
2. Indication of number of meetings which each historic preservation commission members attended.
3. Summary of how the historic preservation commission obtained qualified professional expertise in the review of nominations or other actions normally evaluated by a professional if such expertise is not available on the commission.
4. Indication of the professional training session which each historic preservation commission member and professional staff member attended during this period.
5. Any changes to the membership of the historic preservation commission. For vacancies, please indicate length of vacancy, how an attempt was made to obtain qualified professionals to fill any vacancies, and how the new appointees evidence demonstrated interest, competence, or knowledge of historic preservation. In addition, please submit a resume for any new commission members, including any professionals.
6. Summary of how the CLG employed, contracted with, or maintained access to, on at least a part-time basis, a qualified professional in historic preservation.

C. Survey and Inventory:

1. Number of new historic resource forms completed.
2. If the municipality is completely surveyed describe the process to re-evaluate existing survey information and procedure to keep it up to date.

D. Public Participation:

1. Outline of public notification procedures.
2. A copy of a historic preservation commission meeting's minutes.

E. National Register Nominations:

1. List of National Register nominations reviewed by the commission.
2. All minutes relating to the review of National Register nominations.

F. Narrative Summary:

Please include a narrative statement of successes and problems encountered during the year.

Resume Form:

Historic Preservation Commission Member Background Material and Qualifications

Name:

Address:

Phone:

City:

State:

ZIP Code:

Email:

Occupation:

Area of Expertise

☐ History ☐ Architectural History ☐ Prehistoric Archaeology ☐
Historic Archaeology

☐ Architecture ☐ Other If other, please specify:

Education

Related Work Experience

Where:

Time:

Days:

Demonstrated Interest in Historic Preservation

Why do you want to be a member of your municipality's review board or commission?

Application for Certified Local Government Status

Local Government Information

Name of Municipality:

Chief Elected Official:

Phone:

Mailing address of Municipality:

City:

State:

ZIP Code:

Email:

Staff Information

Name of Contact Person that will be overseeing Commission:

Position:

Phone:

Fax:

Email:

Historic Preservation Commission Information

Name of Historic Preservation Commission:

Name of Chairman:

Phone:

Address:

State:

ZIP Code:

Email:

Time and Place of Commission Meetings

Where:

Time:

Days:

Other Members of the Commission

Name

Email, if any

Phone

Application for Certified Local Government Status

Members of the Commission (cont.)

MODEL CLG CERTIFICATION APPLICATION CHECKLIST

State: _____

Jurisdiction: _____

Date submitted to State: _____

Date approved by State: _____

(1) Application meets the Federal definition of local government and has the authority to enforce acceptable legislation for the designation and protection of historic properties.

(2) Applicant has established a historic preservation review commission consisting of ____ members. This meets State procedure requirements for number of members.

There are ____ lay members.

There are ____ professional members qualified in the fields of

_____, _____, _____,

_____, _____, _____,

This meets State procedures requirements for professional membership

(3) All commission members have a demonstrated, positive interest, competence, or knowledge in historic preservation.

(4) Professional members of the commission have been appointed to the extent available in the community, and we have reviewed resumes that document professional qualifications acceptable under the Secretary of the Interior's Historic Preservation Professional Qualification Standards. If not, the applicant satisfactorily documented an adequate search for the requisite professional members and how it will obtain access to expertise when needed.

(5) The role and responsibility of the local government have been specified in detail in the enclosed agreement, including:

A. The four basic responsibilities:

1. Enforcing State or local legislation for the designation and protection of historic resources _____
2. Maintaining a system for survey and inventory of historic properties. _____
3. Provide for adequate public participation in the historic preservation program. _____
4. Reviewing National Register nominations through a qualified local commission. _____

B. Additional responsibilities:

1. Required of all CLGs in Maine:
 - a. Maintain adequate financial management systems. _____
 - b. Adhere to all requirements of the Historic Preservation Fund Grants Manual. _____
 - c. Adhere to any requirements mandated by Congress regarding use of federal historic preservation funds. _____
 - d. Adhere to requirements outlined in the Guidelines for the Certified Local Government Program in Maine. _____

2. Attachment requirements.

- a. Letter of request for certification from the chief elected official, including assurances that CLG requirements will be met. _____
 - b. A copy of the historic preservation ordinance as adopted by the governing body. _____
 - c. A clearly defined map indicating the location of any historic resources already identified, including boundaries of any district or districts, and a list of all properties. _____
 - d. A sample notice of public meetings of the commission (if available). _____
 - e. A sample copy of an agenda and minutes of a commission meeting (if available). _____
 - f. A sample notice to an applicant of a decision of the commission. _____
 - g. A copy of the rules of procedure of the historic commission. _____
- (6) The CLG contact person, including title/position, mailing address, and telephone number. _____
- (7) The Certification Agreement has been signed by SHPO and Chief Elected Local Official. _____
- (8) Any other information relevant to this application: _____

STATE REVIEWER:

Signature

Name and Title

Date

CERTIFICATION AGREEMENT
BETWEEN
THE STATE OF MAINE
BY AND THROUGH THE
MAINE HISTORIC PRESERVATION COMMISSION
AND THE _____

WHEREAS the Congress of the United States, in order to extend the state and federal preservation partnership to the local level, has required approved state historic preservation programs to cooperate with local governments in developing local historic preservation programs and establishing Certified Local Governments under §101(c)(1) of the National Historic Preservation Act of 1966, as amended (the Act); and

WHEREAS Certified Local Government (CLG) status provides communities with the opportunity to enhance the local government's role in historic preservation by formalizing and strengthening the local historic preservation program and its links with the Maine Historic Preservation Commission (the Commission); and

WHEREAS the CLG will prepare and review National Register nominations for local approval prior to State Review Board consideration and will qualify to compete for at least 10% of the fund annually allocated to the Commission through the Historic Preservation Fund of the Department of the Interior (HPF) which the Commission is required to set aside for CLGs; and

WHEREAS the State of Maine by and through the Maine Historic Preservation Commission has promulgated "Guidelines for Certified Local Government Programs" (the Guidelines) and desires to assist the _____ in becoming certified and to detail the specific responsibilities of the _____ as a Certified Local Government; and

WHEREAS the _____ desires to participate in the certified local government program by becoming a certified local government and thereby receive the benefits of participation in the designation of properties for nomination to the National Register and eligibility to apply to the State Historic Preservation Officer for matching funds:

NOW THEREFORE, in consideration of the mutual benefits derived here from, the State of Maine, by and through the Maine Historic Preservation Commission, 55 Capitol Street, Augusta, Maine 04333, pursuant to the requirements of the Act and 36 CFR § 61.6, covenant and agree on this ____ day of _____, 20__, that the _____, as a Certified Local Government, acknowledges and assumes the following responsibilities:

1. Enforce the local legislation for the designation and protection of historic properties in accordance with the Guidelines, and in accordance with the rules and regulations which have been or may be promulgated by the Commission;
2. Establish pursuant to local law an adequate and qualified historic preservation review commission composed of professional and lay members who have demonstrated interest, competence, or knowledge in historic preservation in accordance with Part 4 of the Guidelines;
3. Maintain a system for the survey and inventory of historic properties pursuant to the guidelines and formats established by the Commission in accordance with Part 5 of the Guidelines;
4. Participate in the National Register Program in Maine through the preparation and review of National Register nominations prior to State Review Board consideration in accordance with the procedures and time schedules in Part 6 of the Guidelines;
5. Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register, in accordance with Part 7 of the Guidelines;
6. Keep such records as the Secretary of the Interior, the Commission, or the State Historic Preservation Officer (SHPO) shall prescribe, including records which fully disclose the disposition by the _____ of the proceeds of funds received, the total cost of the project or undertaking in connection with the funding, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit;
7. Maintain adequate financial management systems in accordance with the standards specified in OMB Circular A-102, Attachment G, "Standards for Grantee Financial Management Systems";

8. Maintain a financial system which is auditable in accordance with the General Accounting Office's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions";
9. Adhere to all requirements of the "Historic Preservation Fund Grants Manual" which sets forth administrative procedures and policies for Historic Preservation Fund (HPF) grants awarded by the Secretary of the Interior;
10. Adhere to any requirements mandated by Congress or the Commission regarding the use of funds from Historic Preservation Fund Grants;
11. Not apply transferred HPF monies as a matching share for any other federal grant unless meeting the established exceptions;
12. Participate in Commission training sessions designed to provide a working knowledge of the CLG's responsibilities under the Maine National Register Program, and an understanding of the rules and operations of federal, state and local preservation programs;
13. Fully cooperate with the Commission in its annual review of the CLG and submit to the Commission office the annual reports of the CLG, records of administration of funds allocated from the HPF, and other documents as necessary, in accordance with Part 9 of the Guidelines (see Appendix "A");
14. Upon notification by the Commission that the performance of the CLG is not up to satisfactory level, implement improvements within 180 days or the Commission shall recommend decertification of the local government to the Secretary of the Interior, in accordance with Part 9 of the Guidelines;
15. Satisfactorily perform the responsibilities designated to it under the Act and adhere to all applicable provisions of the Guidelines.

Signed as of the date first stated herein

STATE OF MAINE

State Historic Preservation Officer

Maine Historic Preservation Commission

Chief Elected Local Official

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