

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 598

H. P. 399

House of Representatives, January 23, 1963

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Mendes of Topsham.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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AN ACT Regulating Archaeological Excavation.

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

R. S., c. 36, §§ 41-A - 41-G, additional. Chapter 36 of the Revised Statutes is amended by adding 7 new sections to be numbered 41-A to 41-G, to read as follows:

‘Archaeological Excavation.

**Sec. 41-A. State Archaeological Commission.** There is created a State Archaeological Commission of 3 members, consisting of the State Historian, State Geologist and a member, who shall be a resident of the State, and who shall be appointed by the Governor with the advice and consent of the Council, to serve for 4 years and until his successor is duly appointed and qualified. The members of the commission shall serve without compensation.

**Sec. 41-B. State license required to excavate.** Any person, firm, corporation or institution before making any excavation of any archaeological or paleontological site in this State shall make application to the commission, in such form as the commission shall prescribe, accompanied by the written consent of the owner of record of the property where the proposed operations are to be conducted, together with a license fee of \$50. A license therefor may be granted by the commission under such terms and conditions as it may require, which shall expire on December 31st of each year. Licenses shall not be granted unless the commission is satisfied with the scientific fitness of the applicant to make archaeological or paleontological excavations and until a thorough investigation has been made by the commission as to the purpose, place and condition of the proposed excavation. Preliminary examinations to determine the presence

of archaeological and paleontological material exclusive of actual excavation or taking such material may be made without license upon filing a written notice relating to the proposed examination with the commission in such form as it shall prescribe accompanied by written consent of the owner. This section shall not apply to landowners who excavate on their own property.

Sec. 41-C. License to accurately describe site. Each license issued by the commission shall accurately describe the location and site where the excavation is to be conducted, and shall authorize excavations only at the single described location.

Sec. 41-D. Revocation of licenses. Any license may be revoked by the commission at any time upon being convinced that excavations authorized by the license are being conducted unlawfully or improperly.

Sec. 41-E. Reports. Any licensee engaged in making excavations under sections 41-A to 41-F shall file a report with the commission in the month of January following the year such excavation was permitted, setting forth the location of the excavation, an inventory of objects removed and such other information as the commission shall prescribe.

Sec. 41-F. Excavations not to deface or injure remains. No explorations or excavations shall be made which will destroy, deface or permanently injure historic remains; and after any such explorations or excavations, they shall be restored to the same or like conditions as before such explorations or excavations were made.

Sec. 41-G. Penalty. Any person, firm or corporation violating sections 41-A to 41-F shall be punished by a fine of not more than \$500 or by imprisonment for not more than 90 days, or by both.'