

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FOURTH LEGISLATURE

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**Legislative Document**

**No. 624**

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S. P. 216

In Senate, February 5, 1969

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

JERROLD B. SPEERS, Secretary

Presented by Senator Berry of Cumberland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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### **AN ACT to Regulate the Removal and Disposition of Certain State-owned Objects and Specimens.**

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

R. S., T. 27, c. 13, sub-c. II, additional. Chapter 13 of Title 27 of the Revised Statutes is amended by adding a new subchapter II, to read as follows:

#### **SUBCHAPTER II**

#### **STATE-OWNED OBJECTS AND SPECIMENS**

##### **§ 371. Statement of policy**

It is in the public interest to provide for the preservation and interpretation of historic and archaeological objects and natural science specimens for the benefit of the people of the State. In order to insure proper preservation and interpretation of objects and specimens which are public property by virtue of having been found on, in or beneath state-controlled lands, it is in the public interest that a single state department be designated to hold title, as trustee for the State, to all historical and archaeological objects and all natural science specimens which are found on, in or beneath state-controlled lands. The State Museum is best qualified to assume such trusteeship by virtue of the professional competence of its staff in the areas of history, archaeology and natural science, and by virtue of the fact that its facilities are intended to function primarily for the purpose of preserving and interpreting objects and specimens.

##### **§ 372. Legislative intent**

The several departments of the State are authorized to transfer any historical or archaeological objects, natural science specimens or any other

museum materials in their possession to the custody and trusteeship of the State Museum.

The State designates the State Museum to hold title, as trustee for the State, to all historical or archaeological objects, all natural science specimens and any other museum materials found on, in or beneath state-controlled lands. The State further charges the State Museum with the responsibility of protecting, preserving and interpreting such objects, specimens and materials which may be placed under its trusteeship; preventing the defacement, damage, destruction or unauthorized removal of such objects and specimens; and insuring the continued availability of such objects and specimens for scientific study by qualified persons, agencies or institutions.

### § 373. Definitions

1. Object. "Object" means an archaeological man-made or natural article, implement or other item.

2. Specimen. "Specimen" means any item, set of items or parts of items collected as representative samples of geological media or biological forms found within the State.

3. State-controlled land. "State-controlled land" means any land or water area owned by the State or under the primary administrative jurisdiction of any state department. Such state-controlled land includes, but is not restricted to, state parks and recreation areas, wilderness and wildlife preserves, navigable bodies of inland, estuarine or coastal water, highway right-of-ways and other easements.

### § 374. Legislative provisions

Any person, agency or institution desiring to remove objects or specimens from state-controlled land shall submit a written application for such authorization to the Maine State Museum not less than 10 days prior to the proposed time of removal. This provision notwithstanding, the Maine State Museum may waive requirements for a written application or a 10-day waiting period in an emergency in which prompt action is required to save objects or specimens threatened by construction or demolition projects or by natural disaster, or both. Such application shall state the nature and location of the objects or specimens to be removed; the legal name and address of the person, agency or institution seeking authorization; the date and time at which the objects or specimens are to be removed; and the legal name and address, if other than that of the applicant, of the person, agency or institution seeking custody of the objects or specimens following their removal. Upon receipt of such an application, the Maine State Museum may issue a written permit authorizing the proposed removal of objects or specimens from state-controlled land, and designating the applicant or other specified person, agency or institution as the authorized custodian of the objects or specimens to be removed. Such permit shall be retained in the personal possession of the permittee during the course of removal activities, and shall be made available for inspection upon demand of any official or representative of the State. Any person engaged in the removal of objects or specimens from state-

controlled lands who shall not produce a valid permit upon demand of an official or representative of the State shall be assumed to be engaged in unauthorized removal activity.

If the locality described in the application is under the jurisdiction of a specific state agency, or if the proposed removal activity is likely to interfere with the activity of any state agency, no permit shall be issued without the written approval of such agency.

In order to minimize damages to state-controlled lands and to objects or specimens to be removed, and in order to insure the recording and preservation of significant data regarding such objects or specimens, the Maine State Museum in issuing a permit for removal of objects or specimens from state-controlled lands, may set forth requirements or limitations regarding the methods and equipment to be employed in such removal, the procedures to be followed in documenting such removal, and the report, if any, to be submitted to officials or agencies of the State upon completion of such removal activities.

The Maine State Museum may, at its discretion, require that an authorized representative of the State be present to witness and document the removal of objects or specimens from state-controlled land.

The permit shall clearly indicate the type and quantity of objects or specimens to be removed; the time and place of the proposed removal activity; the legal name and address of the permittee; the legal name and address, if different from that of the permittee, of the person, agency or institution authorized to retain custody of the objects or specimens following their removal; and any other limitations or requirements, or both, that may be imposed by the issuing authority.

The Maine State Museum, the State Archaeologist or its authorized representatives may revoke or suspend a permit if there is evidence to indicate that the permittee has violated or exceeded the limitations of his permit, or if there is evidence to indicate that objects or specimens are being unnecessarily defaced, damaged or destroyed in the course of their removal. Any willful violation of the provisions of limitations of a removal permit shall be grounds for immediate revocation of such permit and shall be construed as unauthorized removal.

Defacement, damage, destruction, displacement or unauthorized removal of objects or specimens found on, in or beneath state-controlled lands shall be prohibited, and shall be punishable by a fine of not more than \$100 for each object or specimen so defaced, damaged, destroyed, displaced or removed without authorization.

Notwithstanding the privilege of removal and custody which may be granted to a permittee, the State reserves to itself the ownership of all objects and specimens removed from state-controlled lands. Title to such objects and specimens shall rest with the Maine State Museum as trustee for the State. Custody of such objects or specimens shall not be transferred by sale, gift, trade, bequest or in any other manner without the written consent of the

**Director of the State Museum.** The designated custodian of such objects or specimens shall, insofar as practicable, guard and protect such objects and specimens against loss, theft, destruction, damage or deterioration, and shall make them available for reasonably convenient study by qualified persons, agencies and institutions.

Physical possession of such objects shall revert to the State if the designated custodian ceases to exist, or if the State Archaeologist and the Director of the Maine State Museum concur in the opinion that the designated custodian is not properly caring for such objects or is not keeping them available for reasonably convenient study by qualified persons, agencies and institutions.