

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1314

S. P. 389

In Senate, March 12, 1969

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

JERROLD B. SPEERS, Secretary

Presented by Mr. Bernard of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Declaring Procedures for Acquiring and Protecting Antiquities on State Lands.

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

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

SUBCHAPTER III

ANTIQUITIES ON STATE LANDS

§ 375. Definitions

1. Antiquities. "Antiquities" shall mean relics or monuments of historical or archaeological interest.

2. Treasurer trove. "Treasurer trove" shall mean all precious material, including gold, silver, bullion, jewelry and ceramics, antique tools and fittings, ancient weapons and ammunition and similar or related materials.

§ 376. Scope of law. Maine Statutes shall apply to all articles of ancient, historic or intrinsic value, recovered on or beneath lands, where title is vested in the State of Maine or any state agency, and all state-owned submerged lands.

§ 377. Museum authorized to enter into contracts. The Maine State Museum is authorized to enter into contracts for the exploration and contracts for salvage or given areas of state-owned submerged lands for treasure trove, including precious metals and jewelry, antique articles and artifacts

and other similar objects of historical and archaeological value, and such contract, nor any part thereof, shall not be assigned nor sublet. No salvage operation on state-owned lands shall be conducted by any person without having first contracted with the Maine Museum. Employment agreements with holders of contracts, the language of which shall be approved by the Attorney General, are authorized to be entered into provided prior written approval of duly authorized agent of the Maine State Museum shall first have been obtained.

§ 378. Declaration of ownership by State. Treasure trove, artifacts and such objects having intrinsic, historical or archaeological value having been abandoned on state-owned lands or state-owned submerged lands are declared to belong to the State of Maine.

§ 379. Contracts for exploration. The Maine State Museum is authorized to enter into a contract for exploration of waters above sovereign lands only after a determination that the person or corporation seeking such contract and professionally able to carry out such contract and gives evidence of sufficient financial ability to carry on exploration of antiquities, treasure trove or related materials so as to accurately determine the presence or absence of valuable materials in the areas covered by such contract.

§ 380. Contract for salvage. The Maine State Museum is authorized to enter into a contract for salvage of antiquities, treasure trove or related materials from an area in which there is promise of results from salvage operations in said area.

§ 381. Interpretation of contracts. It is the intention of the Maine State Museum to limit contracts for exploration or salvage of treasure trove insofar as this is practicable to those persons or corporations who will themselves conduct the exploration or salvage, and who will remain solely answerable to the Maine State Museum for the conduct of their operations and the proper accounting of materials located and recovered under the terms of the contract.

§ 382. Employment contracts. Employment contract is defined for the purpose of this subchapter as being a contract between the principal party to a contract for exploration or salvage of treasure trove, and others who purport to be supplied and equipped to do the actual exploration and salvaging for the principal to the contract. The Maine State Museum will not approve such employment contracts, and will consider any contract for exploration or salvage as subject to cancellation if the principal party thereto does not retain primary responsibility for the actual exploration and salvage operations.

§ 383. Ownership and division of recovered items. The Maine State Museum declares that any and all treasure trove, artifacts and other similar valuable historical material recovered in the waters of the State of Maine shall belong to the State of Maine, and shall be divided in accordance with the contracts entered into by the Maine Museum. All recovered artifacts shall be placed and retained in safekeeping. Custody of such objects and materials

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 place or places of safekeeping shall be approved by the museum. At the time of the division of items that have been recovered by those having contracts for salvage with the Maine State Museum, there shall be present such persons as the museum shall deem necessary and appropriate.

§ 384. Supervision

1. **Limit of number of contracts.** To afford adequate protection for the interest of the State it shall be the policy of the State Museum to limit the number of contracts for exploration and contracts for salvage to be granted to those that can be properly supervised and administered by the duly authorized agents of the State.

2. **Agent to oversee.** No contract for search or salvage shall be entered into by the Maine State Museum unless a qualified agent of the museum is available to oversee the search or salvage operation under application. Upon contracting with a private salvor, the museum shall designate an agent who shall be responsible at all times for insuring the protection of state interests in the search or salvage operation.

3. **—duties.** The designated agent of the museum shall be present as required by the museum for all such operations by holders of contracts for exploration, and the designated agent of the museum shall be present at all times where salvage operations are in progress, and no work shall be conducted by the salvor in the absence of such agent.

4. **Work schedule.** The salvor shall file with the agent of the Maine State Museum at least one week in advance, a work schedule showing the work proposed to be done by such salvor and the dates it is anticipated such work will be performed.

5. **Requests.** All persons, firms or corporations having contracts with the Maine State Museum shall be required to comply with all reasonable requests or directives addressed to them by the duly authorized agents or employees of the museum with respect to the operations authorized by said contracts.

6. **Salvor's agent.** At all times there shall be one person designated by and acting for the salvor aboard the vessel or group of vessels engaged in salvage operations who shall be responsible for the work and who shall be responsible for compliance with the rules and directives of the Maine State Museum or its designated agents to insure the preservation of archaeological and historical data.

7. **Log.** The salvor shall keep a ship's log, on all boats engaged in search or salvage operations. This log shall be properly kept, on a daily basis, in accordance with instructions from the Maine State Museum or its duly authorized agent.

§ 385. Boats to carry identification

1. Identification. All boats are required to carry identification as required by the Maine State Museum while operating under exploration or salvage contracts.

2. List of vessels. In advance of initial search or salvage operations, the salvor shall furnish the Maine State Museum agent a list of all vessels to be used in the search or salvage operation, including a full description and the registration number of each vessel. No vessel shall engage in search or salvage operations if it has not been listed with the Maine State Museum.

3. Flag. Each vessel engaged in search or salvage operations shall be marked both by a flag or other device to be designated by the Museum Director.

4. Written identification. Written identification provided the salvor by the Maine State Museum shall be carried at all times by the vessel engaged in the search or salvage operations.