

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

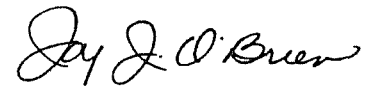
No. 1193

S.P. 440

In Senate, April 13, 1989

Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.

Reference to the Committee on Education suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

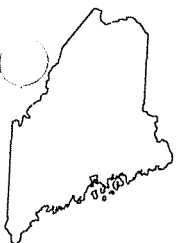
Presented by Senator ESTES of York.

Cosponsored by Representative SMALL of Bath, Representative FOSTER of Ellsworth and Representative PARADIS of Frenchville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Relating to Historic and Archaeological Preservation.



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

3 Sec. 1. 27 MRSA §373-A, sub-§3-A is enacted to read:

5 3-A. Landowner. "Landowner" means any person, corporation,
7 partnership, organization or municipality which owns or controls
a site.

9 Sec. 2. 27 MRSA §375, sub-§§2 and 3, as enacted by PL 1981, c.
11 55, §7, are amended to read:

13 2. Penalty. Violation of this chapter is a civil violation
15 for which a forfeiture of not less than \$50 nor more than \$1,000
17 shall be adjudged. The unlawful excavation for any one day shall
19 constitute a separate violation. The Director of the Maine
Historic Preservation Commission, in the name of the people of
this State through the Attorney General, may in addition to other
remedies provided bring an action ~~or~~ for an injunction to
~~restrain a violation of this chapter or to enjoin future unlawful~~
~~excavation.~~ seeking one or more of the following remedies:

21 A. To restrain a violation of this chapter;

23 B. To enjoin future unlawful excavation; or

25 C. To direct the violator to restore the site to the
27 condition that existed prior to the unlawful excavation or
to ameliorate the effects of the unlawful excavation.

29 3. Prosecution. The Attorney General, upon receiving
31 notification of a violation of this section from the Director of
the Maine Historic Preservation Commission, is authorized to file
33 a complaint against the person named in the District Court or the
Superior Court of the district or county in which the person
35 resides, or in the district or county in which the violation
occurred.

37 Sec. 3. 33 MRSA §1551, sub-§1-A is enacted to read:

39 1-A. Owner. "Owner" means any person, corporation,
41 partnership, organization or municipality which owns or controls
historic property.

43

45

47 STATEMENT OF FACT

49 This bill clarifies the authority of municipalities to enter
into preservation agreements with the Maine Historic Preservation
Commission, requires a permit for excavation at sites protected
51 by a preservation agreement executed by a municipality and makes
unauthorized excavation at those sites unlawful. This bill also

1 authorizes the Attorney General to seek a restoration order
2 against a person who unlawfully excavates any protected
3 archaeological site.