

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 965

H.P. 708

House of Representatives, March 23, 1995

An Act to Protect Maine's Maritime Heritage.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ADAMS of Portland.

Cosponsored by Representatives: AHEARNE of Madawaska, AULT of Wayne, BIGL of Bucksport, CHASE of China, DAGGETT of Augusta, GOOLEY of Farmington, GREEN of Monmouth, HARTNETT of Freeport, LEMONT of Kittery, MITCHELL of Portland, PINKHAM of Lamoine, PLOWMAN of Hampden, SAMSON of Jay, VOLENIK of Sedgwick, Senators: PINGREE of Knox, RAND of Cumberland.

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

4 **Sec. 1. 27 MRSA §373-A, sub-§3**, as enacted by PL 1981, c. 55, §5, is amended to read:

6 **3. Excavation.** "Excavation" means any turning over, removal
or disturbance of the soil, artifact in the soil or ground matrix
8 or recovery or disturbance of artifacts from-beneath that are
fully or partially submerged in the water and tidal sites.
10 "Excavation" ~~shall--include~~ includes, but is not limited to,
activities such as purposeful looting, material procurement or,
12 construction activities or vandalism. In the case of private
property the term "excavation" on a site ~~shall~~ does not include
14 activities associated with agriculture or forestry unless
specifically provided for in the permit or the preservation
16 agreement as defined in Title 33, section 1551, ~~sub--§~~ subsection
2.

18 **Sec. 2. 27 MRSA §378**, as enacted by PL 1981, c. 568, §4, is
20 amended to read:

22 **§378. Emergency site designation**

24 In the case of an area containing archaeological materials
or artifacts ~~on--private--property--which~~ that is directly
26 threatened with unauthorized excavation, the Director of the
Maine Historic Preservation Commission, with the written
28 permission of the landowner, may designate ~~such-an~~ the area as a
site ~~which-shall-be~~ that is subject to this chapter for a period
30 not to exceed one year. All sites given emergency designation
under this section ~~shall~~ must be posted against unauthorized
32 excavation. Notice of the designation ~~shall~~ must be filed with
the registrar of deeds in the county in which the site is located.

34

36 **STATEMENT OF FACT**

38 This bill allows the Director of the Maine Historic
Preservation Commission to designate and post archaeological
40 sites against unauthorized excavation on public property with the
permission of the landowner. Existing law already requires
42 landowner permission for posting of private property. This bill
also modifies the definition of excavation to more fully protect
44 maritime archaeological sites.