

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 560

H.P. 439

House of Representatives, February 6, 2001

An Act to Establish the Maine Cave Protection Act.

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DESMOND of Mapleton.

Cosponsored by Senator TREAT of Kennebec and

Representatives: LORING of the Penobscot Nation, PARADIS of Frenchville, SOCTOMAH of the Passamaquoddy Tribe.

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

4 Sec. 1. 12 MRSA c. 201-A, sub-c. I-A is enacted to read:

6 SUBCHAPTER I-A

8 MAINE CAVE PROTECTION ACT

10 §544-I. Short title

12 This subchapter may be known and cited as the "Maine Cave Protection Act."

14 §544-J. Definitions

16 As used in this subchapter, unless the context otherwise indicates, the following words have the following meanings.

18 1. Cave. "Cave" means any naturally occurring void, cavity, recess, sinkhole or system of interconnecting passages beneath the surface of the earth or within a cliff or ledge that is large enough to permit a person to enter. "Cave" includes natural subsurface water and drainage systems, but does not include any mine, tunnel or other artificial excavation.

20 2. Cave life. "Cave life" means any life-form normally found in a cave.

22 3. Natural material. "Natural material" means stalactite, stalagmite, helictite, anthodite, gypsum flower or needle, flowstone, drapery, column, tufa dam, clay or mud formation or concretion or other similar crystalline mineral formation found in any cave.

24 4. Owner. "Owner" means a person who owns title to land where a cave is located.

26 §544-K. Prior written consent of owner

28 A person must obtain the prior written permission of the owner to excavate or remove an archaeological, paleontological, prehistoric or historic feature of a cave.

30 §544-L. Field investigations, explorations and recovery operations

32 All field investigations, explorations and recovery operations in a cave must ensure that the ability to recover and preserve historic, scientific, archaeological and educational information is not impeded.

2 that will not impede the recovery of historic and scientific
information. The bill also limits the liability of cave owners
4 and classifies the defacing or damaging of a cave as a Class E
crime.