



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. Mac Failand

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.

Be it enacted by the People of the State of Maine a	as follows:
Sec. 1. 12 MRSA c. 201-A, sub-c. I-A is en	acted to read:
SUBCHAPTER I-A	
MAINE CAVE PROTECTION	ACT
8544 5 01 1 1 1 1	
§544-I. Short title	
This subchapter may be known and cit	ted as the "Maine Cave
Protection Act."	<u>cou do cino mumo paro</u>
§544-J. Definitions	
As used in this subchapter, unless	the context otherwise
indicates, the following words have the fol	
 Cave. "Cave" means any natu 	
cavity, recess, sinkhole or system of in	
beneath the surface of the earth or within	
is large enough to permit a person to e	enter. "Cave" includes
natural subsurface water and drainage s	
include any mine, tunnel or other artificia	ai excavation.
2. Cave life. "Cave life" means	any life-form normally
found in a cave.	any into rorm mormorry
3. Natural material. "Natural mater	ial" means stalactite,
stalagmite, helictite, anthodite, gypsu	um flower or needle,
flowstone, drapery, column, tufa dam, cla	
concretion or other similar crystalline m	nineral formation found
in any cave.	
4. Owner. "Owner" means a person	who owns title to land
where a cave is located.	
§544-K. Prior written consent of owner	
A person must obtain the prior writ	tten permission of the
owner to excavate or remove an archaeolo	
prehistoric or historic feature of a cave.	<u>,</u>
§544-L. Field investigations, explorations	s and recovery
operations	
All field investigations, explor	rations and recovery
operations in a cave must ensure that the	ability to recover and
preserve historic, scientific, archaeolo	ogical and educational
information is not impeded.	

2 §544-M. Liability of owners and agents

4	An owner of a cave and the owner's authorized agents acting
-	within the scope of their authority are not liable for injuries
6	sustained by any person using the cave for a recreational or
8	scientific purpose if the prior written permission of the owner was obtained and if no charge was made for the use of the cave.
0	Using a cave for a recreational or scientific purpose is a
10	recreational or harvesting activity for purposes of Title 14,
	section 159-A.
12	
	<u>§544-N. Prohibited acts</u>
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	1. Defacing or damaging cave prohibited. A person may not
16	deface or damage a cave. A person defaces or damages a cave if
18	the person, without the prior written permission of the owner:
10	A. Breaks, breaks off, cracks, carves upon, writes or
20	otherwise marks upon or in any manner destroys, mutilates,
	injures, defaces, removes, displaces, mars or harms any
22	natural material found in a cave;
24	B. Kills, harms or disturbs plant or animal life found in a
	<u>cave, except for safety reasons;</u>
26	
	C. Disturbs or alters the natural condition of a cave or
28	takes into a cave any aerosol or other container containing
30	paints, dyes or other coloring agents;
30	D. Stores, dumps, litters, disposes of or otherwise places
32	any refuse, garbage, dead animal, sewage or toxic substance
52	harmful to cave life or humans in a cave;
34	
	E. Burns within a cave any material that produces smoke or
36	gas that is harmful to any organism in the cave; or
38	F. Breaks, forces, tampers with, removes or otherwise
4.0	disturbs a lock, gate, door, sign or other structure or
40	obstruction designed to prevent entrance to a cave, whether
42	or not entrance is gained.
42	2. Penalty. A person who violates subsection 1 commits a
44	<u>Class E crime.</u>
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	SUMMARY
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	This bill establishes the Maine Cave Protection Act. It
50	requires a person to receive consent prior to excavating in a
	cave and to undertake investigations and explorations in a manner

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