

MAINE STATE LEGISLATURE

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S.M.C.
R. 4. 3.

Date: 4/11/13

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 135, L.D. 160, Bill, "An Act To Amend the Laws Pertaining to Archaeological Sites"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 27 MRSA §372, sub-§3 is enacted to read:

3. Consultation with federally recognized Indian tribes. In recognition of the interests of the federally recognized Indian tribes in this State in their archaeological heritage and in accordance with the requirements of federal law, including the National Historic Preservation Act of 1996, as amended, and the federal Native American Graves Protection and Repatriation Act, the Maine Historic Preservation Commission and the State Museum shall consult with federally recognized Indian tribes in this State concerning adequate and appropriate curation of archaeological materials excavated from protected sites.'

Amend the bill by striking out all of section 6 and inserting the following:

'Sec. 6. 27 MRSA §377, as amended by PL 1995, c. 502, Pt. E, §30 and PL 2011, c. 657, Pt. W, §7, is further amended to read:

§377. Protection of site location information

In order to protect the site or protected site from unlawful excavation or harm, any information ~~on~~ in the possession of the Maine Historic Preservation Commission, the State Museum, the Division of Parks and Public Lands, other state agencies or the University of Maine System about the location or other attributes of any site ~~in the possession of the Maine Historic Preservation Commission, the State Museum, the Division of Parks and Public Lands, other state agencies or the University of Maine System~~ or protected site may be deemed designated by the Maine Historic Preservation Commission or State Museum ~~to be~~ as confidential and exempt from Title 1, chapter 13. Such data ~~shall~~ must be made available for the purpose of archaeological research. The directors of the Maine Historic Preservation Commission and the State Museum shall jointly adopt rules establishing standards and procedures for obtaining the data, and may impose reasonable requirements on its use, including requirements of confidentiality.

COMMITTEE AMENDMENT

R. O. S.

1 The directors of the Maine Historic Preservation Commission and the State Museum shall
2 establish procedures for reviewing no less frequently than once every 10 years
3 information designated as confidential under this section in order to determine whether
4 continued confidentiality is necessary and, if not, to remove the confidentiality
5 designation.'

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
7 section number to read consecutively.

8 **SUMMARY**

9 This amendment makes the following changes to the bill.

10 1. It requires the directors of the Maine Historic Preservation Commission and the
11 Maine State Museum to establish procedures for reviewing at least once every 10 years
12 site location information designated as confidential in order to determine whether
13 continued confidentiality is necessary and, if not, to remove the confidentiality
14 designation.

15 2. It requires the Maine Historic Preservation Commission and the Maine State
16 Museum to consult with representatives of the Passamaquoddy Tribe, the Penobscot
17 Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs with
18 regard to the adequate and appropriate curation of Native American artifacts recovered
19 from protected sites, as defined in the bill.

20 3. It makes a technical wording change.