

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

HOUSE

NO. 434

House of Representatives, March 21, 1923.

Reported by Mr. Stevens from Committee on Library and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Wing of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-THREE

AN ACT to Provide for the Preservation of Archaeological Objects and Sites, and for the Appointment of a Commission of Archaeology.

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

Section 1. The state of Maine may acquire and hold any
2 property in the state which is the site of mounds, earth-
3 works, ancient or historic forts and graves.

Sect. 2. The state of Maine reserves to itself the exclu-
2 sive right and privilege, except as hereinafter provided, of
3 exploring, excavating or surveying, through its authorized
4 officers, agents or employees, all aboriginal and other an-
5 tiquities, mounds, earthworks, ancient or historic forts and

6 burial sites within the state of Maine. The ownership of
7 the state is hereby expressly declared in any and all objects
8 whatever which may be found or located therein.

Sect. 3. No explorations or excavations shall be made
2 on any property without the consent of the owner thereof.
3 Said work shall be done in such way as not to destroy, de-
4 face or injure permanently said property or any crops,
5 houses or improvements on the land adjacent to or form-
6 ing a part of said property. After such explorations or
7 excavations said property shall be restored to the same con-
8 dition as it was before such explorations or excavations
9 were made.

Sect. 4. If in the judgment of said commissioners it is
2 unnecessary for the purposes of this act to acquire the fee
3 to any tract of land upon which it is desired to enter for
4 any purpose incident to the performance of their duties,
5 they may acquire for the benefit of the state the right to
6 enter upon and occupy said land for a certain definite period
7 of time to be determined by them, not exceeding one year,
8 and to excavate and in any other reasonable manner explore
9 and search for upon said land any material mentioned in
10 section one of this act, and to take and remove the same
11 to be held for the benefit of the state under this act.

Sect. 5. In all cases of condemnation under section three
2 of this act, it shall be the duty of said commission of archae-
3 ology to make all reasonable effort to agree with the owner
4 of the land taken or entered upon for the payment of com-

5 pensation for such taking, provided compensation is not
6 waived by such owner, and said commission of archaeology
7 is hereby empowered to negotiate agreements to that end
8 with owners.

Sect. 6. No objects secured in the aforesaid manner shall
2 be sold or disposed of out of the state, except as hereinafter
3 provided, but shall be retained in the custody of the state and
4 placed in a state museum or state library or in the collec-
5 tions of museums or libraries of educational or other insti-
6 tutions of the state.

Sect. 7. That no person or persons not connected with,
2 or authorized by reputable, scientific, or historical societies
3 or associations shall explore ancient village sites, shell heaps
4 or cemeteries situated in the state of Maine. That any
5 person desiring to make explorations of such places must
6 first secure the permission and prove to the satisfaction of
7 the commission of archaeology his fitness to undertake such
8 work.

Sect. 8. No owner of any land in this state, or any inter-
2 est therein, shall knowingly permit any person to enter
3 thereon for the purpose of making excavations or otherwise
4 searching or exploring for relics, antiquities, or other ma-
5 terial of historical or archaeological value, nor shall any
6 such owner sell, transfer, assign, or in any manner deliver
7 to any person, firm or corporation any such relics, antiqui-
8 ties, or other material taken from land owned by him, ex-
9 cept after one month's written notice to said commission

10 of archaeology, nor thereafter, provided said commission
11 of archaeology during said month elect to avail itself of
12 the privilege of the state to condemn said land or material
13 as herein provided; nor shall any person, firm or corpo-
14 ration at any time enter upon any land in this state for any
15 purpose mentioned in this section, or purchase from any
16 owner of land in this state, or contract to purchase, any
17 such material, except after said owner has given the above
18 mentioned notice to said commission of archaeology and
19 they have within said time failed to avail themselves of the
20 privilege of the state as aforesaid. Any person violating
21 any provision of this section shall be deemed guilty of a
22 misdemeanor and on conviction shall be fined not exceed-
23 ing five hundred dollars or be imprisoned for not more than
24 one year, or both. In addition to the foregoing remedy,
25 said commission of archaeology may apply to any court of
26 competent equity jurisdiction for injunctive relief against
27 threatened violation of this section.

Sect. 9. That a representative of a museum or society not
2 located within the state of Maine, desiring to carry on ex-
3 plorations in the shell heaps, cemeteries or village sites of
4 said state of Maine, shall first communicate with the com-
5 mission of archaeology before undertaking such work. That
6 it shall be unlawful for any person, whether a citizen of
7 the state of Maine or not, to make excavations or explora-
8 tions in search of Indian remains without due authority
9 from the aforesaid commission of archaeology.

Sect. 10. That articles made by the ancient Indians or
2 prehistoric people of Maine, composed of stone, bone, shell
3 and clay artifacts, ornaments, weapons, or utensils of Indian
4 manufacture, or said to be of such manufacture, shall not
5 be sold, except that the commission may sell for educational
6 purposes to a museum or educational institution not more
7 than one-half of any objects above specified found in any
8 one place, and further that the aforesaid objects may be
9 exchanged for similar or other objects with other state mu-
10 seums, libraries or individuals.

Sect. 11. Any person who shall violate any of the pro-
2 visions of this act shall be guilty of a misdemeanor, and
3 on conviction shall be fined not exceeding five hundred dol-
4 lars for each offense, or be imprisoned for not more than
5 one year, or both.

Sect. 12. The state librarian, curator of the museum, and
2 state superintendent of schools shall be the commissioners
3 or archaeology. They shall not receive any compensation
4 for their services, except actual and necessary expenses.
5 Said commissioners shall be provided with facilities for the
6 transaction of necessary business. The commission may
7 also receive gifts and bequests which may be used or held
8 in trust for the purpose or purposes designated. It may
9 publish circulars of information and may cooperate with
10 other state archaeological commissions in the publication
11 of documents in order to secure the most economical ad-
12 ministration of the work for which it was formed.