

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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(1) The Penobscot Nation shall also have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against a person or property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which are committed on the Penobscot Indian Reservation by a member of the Penobscot Nation against another member of the Penobscot Nation or against the property of another member of the Penobscot Nation.

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Penobscot Nation and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature having jurisdiction over judiciary concerning the effect of this subparagraph.

(2) The Passamaquoddy Tribe shall have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against a person or property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which are committed on the Passamaquoddy Indian Reservation by a member of the Passamaquoddy Tribe against another member of the Passamaquoddy Tribe or against the property of another member of the Passamaquoddy Tribe.

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Passamaquoddy Tribe and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature having jurisdiction over judiciary concerning the effect of this subparagraph.

**Sec. 2. Effective date; certification.** This Act shall take effect October 1, 1990, provided that this Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and Council of the Passamaquoddy Tribe that the Tribe has agreed to the provisions of this Act pursuant to the Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, copies of which shall be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives.

Effective October 1, 1990, unless otherwise indicated.

## CHAPTER 170

H.P. 433 - L.D. 598

### An Act Concerning Game Wardens' Authority to Stop and Search Vehicles

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

12 MRSA §7053, sub-§2, ¶D, as enacted by PL 1979, c. 420, §1, is repealed.

See title page for effective date.

## CHAPTER 171

S.P. 440 - L.D. 1193

### An Act Relating to Historic and Archaeological Preservation

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

**Sec. 1. 27 MRSA §373-A, sub-§3-A** is enacted to read:

**3-A. Landowner.** "Landowner" means any person, corporation, partnership, organization or other legal entity, including a municipality, county or other political subdivision of the State, an agency of the Federal Government and any quasi-governmental entity, which owns or controls a site.

**Sec. 2. 27 MRSA §375, sub-§§2 and 3,** as enacted by PL 1981, c. 55, §7, are amended to read:

**2. Penalty.** Violation of this chapter is a civil violation for which a forfeiture of not less than \$50 nor more than \$1,000 shall be adjudged. The unlawful excavation for any one day shall constitute a separate violation. The Director of the Maine Historic Preservation Commission, in the name of the people of this State through the Attorney General, may in addition to other remedies provided bring an action or for an injunction to restrain a violation of this chapter or to enjoin future unlawful excavation seeking one or more of the following remedies:

A. To restrain a violation of this chapter;

B. To enjoin future unlawful excavation; or

C. To direct the violator to restore the site to the condition that existed prior to the unlawful excavation or to ameliorate the effects of the unlawful excavation.

**3. Prosecution.** The Attorney General, upon receiving notification of a violation of this section from the Director of the Maine Historic Preservation Commission, is authorized to file a complaint against the person named in the