

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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

J.S. McCarthy Company
Augusta, Maine
2000

prosecution of domestic violence cases.

See title page for effective date.

CHAPTER 747

H.P. 1797 - L.D. 2522

An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps

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

Sec. 1. 5 MRS §308 is enacted to read:

§308. Establishment of memorial to Civilian Conservation Corps

The Capitol Planning Commission shall construct and maintain a memorial dedicated to the Civilian Conservation Corps in honor of those who served and in recognition of their contributions to the State. The memorial must be located and constructed in accordance with a plan approved by the Capitol Planning Commission and the Legislative Council. Subject to available funding, the memorial must be completed by October 1, 2000. In addition, construction of the memorial must be in accordance with the following provisions.

1. Location. The memorial must be located immediately west of the main entrance to the Cultural Building that houses the Maine State Library, the Maine State Museum and the Maine State Archives in the State House complex.

2. Memorial design and inscription. The memorial must be of a design that is the same or similar to the memorial erected by the State of Michigan to honor the Civilian Conservation Corps. It must be a bronze casting approximately 6 feet in height of a Civilian Conservation Corps worker and must be placed on an elevated base constructed in whole or in part of stone or other natural materials. The area adjacent to the memorial must be landscaped with natural plantings following completion of the memorial.

The memorial must have a bronze plaque placed upon it on which is inscribed the following or similar language as determined by the Legislative Council:

"In Honor Of The Young Men Of The Civilian Conservation Corps Who Changed the Face Of Maine From 1933 To 1942 By Building Parks, Roads, Trails, Forests And Citizenship, Leaving A Lasting Legacy To The Conservation Of Natu-

ral Resources For Which All Citizens Of Maine Owe A Debt Of Gratitude."

3. Funding. The Capitol Planning Commission may accept state and local funds, gifts and other contributions to be used solely to carry out the purposes of this section. All contributions or other funds received must be reported in writing to the Legislative Council at least quarterly. The Capitol Planning Commission shall make use of the services provided by the Maine Conservation Corps within the Department of Labor as feasible and appropriate.

4. Maintenance of historical and educational information. The State Archivist shall maintain and make available to the public a listing of persons who served in the Civilian Conservation Corps in Maine, if known, including the periods of service and projects on which they worked. In addition, the Director of the Maine State Museum shall develop and display an educational plaque regarding the memorial and the Civilian Conservation Corps and its accomplishments in this State in the main entrance to the Cultural Building. Funds received by the Capitol Planning Commission pursuant to subsection 3 may be used to pay the costs of developing the plaque.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Civilian Conservation Corps Memorial

All Other \$10,000

Provides one-time funds for a portion of the costs of establishing a Civilian Conservation Corps memorial.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Civilian Conservation Corps Memorial

All Other \$12,000

Provides an allocation to authorize the expenditure of private funds received by the Capitol Planning Commission to establish a Civilian Conservation Corps memorial.

See title page for effective date.

CHAPTER 748

H.P. 1816 - L.D. 2549

An Act to Implement Recommendations Concerning Protection of Indian Archaeological Sites

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

Sec. 1. 27 MRSA §373-A, sub-§8, as amended by PL 1981, c. 568, §§1 to 3, is further amended to read:

8. Site. "Site" means an area containing archaeological artifacts or materials or other evidence of habitation, occupation or other use by historic or prehistoric people, and which is either:

- A. On or under state-controlled land and is:
 - (1) Listed in the National Register of Historic Places or judged eligible for national register listing by the Maine Historic Preservation Commission and, if the area is judged eligible for listing, the site designation is approved by the appropriate land managing agency director or local governing body; and
 - (2) Posted;
- B. The subject of a preservation agreement between the landowner or landowners and the Maine Historic Preservation Commission, pursuant to Title 33, section 1551 and is:
 - (1) Listed in the National Register of Historic Places; and
 - (2) Posted; or
- C. Subject to section 378.

Sec. 2. 27 MRSA §375, sub-§2, as amended by PL 1989, c. 171, §2, is further amended to read:

2. Penalty. ~~Violation~~ Notwithstanding Title 17-A, sections 4-A and 1301, a violation of this chapter is a ~~civil violation~~ Class E crime for which a forfeiture fine of not less than \$50 nor more than \$1,000 shall \$250 must be adjudged. The unlawful excavation for any one day ~~shall constitute~~ constitutes a separate violation. The court also may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. 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 for an injunction seeking one or more of the following remedies:

- A. To restrain a violation of this chapter; or
- 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.~~

Sec. 3. 27 MRSA §378, as amended by PL 1995, c. 146, §2, is further amended to read:

§378. Emergency site designation

In the case of an area containing archaeological materials or artifacts that is directly threatened with unauthorized excavation, the Director of the Maine Historic Preservation Commission, with the written permission of the landowner, may designate the area as a site that is subject to this chapter for a period not to exceed ~~one year~~ 10 years. The director and the landowner shall specify in writing the area that is subject to this chapter. All sites given emergency designation under this section must be posted against unauthorized excavation. ~~Notice of the designation must be filed with the registrar of deeds in the county in which the site is located.~~

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

MAINE HISTORIC PRESERVATION COMMISSION

Historic Preservation Commission

Personal Services	\$5,000
All Other	10,000