

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**Sec. 6. 27 MRSA §376**, as amended by PL 1989, c. 700, Pt. A, §114, is further amended to read:

**§376. Antiquities recovered from protected sites**

**1. State-owned artifacts to remain in Maine.** No artifacts, objects, specimens or materials originating from a protected site on state-controlled land may be authorized to leave the State permanently without written permission of the permitors. They may be loaned for a term specified by the permitors for proper study or exhibit.

**2. Sale of artifacts.** Attempts to sell, offers of sale and sale of artifacts, objects or specimens, excavated after the effective date of this Act, whether excavated lawfully or unlawfully from a protected site, without the written permission of the permit grantors or the Director of the Maine Historic Preservation Commission and the Director of the State Museum, are punishable by a civil penalty not greater than twice the price for which artifacts, objects ~~of~~ or specimens are sold or offered for sale.

**3. Prosecution.** The Attorney General, upon receiving notification and evidence of 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 District Court of the district in which the person resides, or in the district in which the violation occurred.

**4. Artifact ownership.** Artifacts, objects, materials and specimens recovered from protected sites on state-controlled land are the property of the State Museum. Artifacts, objects, specimens or materials originating from a site on other than state-controlled land are the property of the landowner and ~~shall~~ must be deposited with a suitable repository as designated by the landowner in the preservation agreement, or the permit.

**Sec. 7. 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. The directors of the Maine Historic Preservation Commission and the State Museum shall establish procedures for reviewing no less frequently than once every 10 years information designated as confidential under this section in order to determine whether continued confidentiality is necessary and, if not, to remove the confidentiality designation.

**Sec. 8. 27 MRSA §378**, as amended by PL 1999, c. 748, §3, is further amended to read:

**§378. Emergency designation as protected site**

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 protected site that is subject to this chapter for a period not to exceed 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.

See title page for effective date.

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**CHAPTER 90**  
**H.P. 296 - L.D. 424**

**An Act To Amend the Short  
Form Deeds Act**

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

**Sec. 1. 33 MRSA §772, sub-§1**, as enacted by PL 1999, c. 69, §1, is amended to read:

**1. Words of inheritance; habendum.** In a conveyance or reservation of real estate, the terms "heirs," "successors," "assigns," "forever" or other technical words of inheritance, or an habendum clause, are not necessary to convey or reserve an estate in fee. A conveyance or reservation of real estate, whether made before or after the effective date of this section, must be construed to convey or reserve an estate in fee simple, unless a different intention is clearly appears expressed in the deed instrument by a statement that the interest conveyed or reserved is an interest other than an estate in fee, by a limiting of the duration of the interest to a period less than perpetual duration or by an explicit restriction of the interest to the use and benefit only of the person or persons to whom it is conveyed or reserved. The omission of technical words of inheritance may not be construed to evidence

an intention to convey or reserve an interest other than an estate in fee simple, even if such words are used elsewhere in the same instrument.

See title page for effective date.

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**CHAPTER 91  
H.P. 56 - L.D. 64**

**An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe**

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

**Sec. 1. 30 MRSA §6205, sub-§1, ¶D-1**, as corrected by RR 2007, c. 1, §15, is amended to read:

D-1. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Centerville consisting of Parcels A, B and C conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim deed dated July 27, 1981, recorded in the Washington County Registry of Deeds in Book 1147, Page 251, to the extent that the land is acquired by the secretary prior to January 31, 2017, is not held in common with any other person or entity and is certified by the secretary by January 31, 2017 as held for the benefit of the Passamaquoddy Tribe; ~~and~~

**Sec. 2. 30 MRSA §6205, sub-§1, ¶D-2** is enacted to read:

D-2. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in Book 1178, Page 35, to the extent that the land is acquired by the secretary prior to January 31, 2023, is not held in common with any other person or entity and is certified by the secretary by January 31, 2023 as held for the benefit of the Passamaquoddy Tribe; and

**Sec. 3. Effective date; certification.** This Act does not take effect unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes, except that in

no event may this Act become effective until 90 days after the adjournment of the Legislature.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 92  
H.P. 343 - L.D. 524**

**An Act To Change the Quorum Requirement for Meetings of the Land for Maine's Future Board**

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

**Sec. 1. 5 MRSA §6205, sub-§4**, as amended by PL 1993, c. 728, §7, is further amended to read:

**4. Quorum.** A quorum of the board for the transaction of business is ~~7~~ 5 members.

See title page for effective date.

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**CHAPTER 93  
H.P. 489 - L.D. 717**

**An Act To Provide Free Fishing Licenses to Certain Children in the Custody of the Department of Health and Human Services**

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

**Sec. 1. 12 MRSA §10853, sub-§16** is enacted to read:

**16. Resident 16 or 17 years of age in custody of the Department of Health and Human Services.** A complimentary license to fish may be issued to any resident 16 or 17 years of age who is in the custody of the Department of Health and Human Services under Title 19-A, chapter 55 and Title 22, chapter 1071, upon application to the commissioner. This complimentary license remains valid for the duration of the Department of Health and Human Services' custody of the resident, if the license is not revoked or suspended.

See title page for effective date.