

**§375. Unlawful excavation**

**1. Definition of unlawful excavation.** "Unlawful excavation" means unauthorized excavation at a protected site, unless:

A. A demonstrable emergency situation existed relating to the survival of the protected site; and [PL 2013, c. 89, §5 (AMD).]

B. An excavation permit is immediately applied for in accordance with section 374. [PL 1981, c. 55, §7 (NEW).]  
[PL 2013, c. 89, §5 (AMD).]

**2. Penalty.** A violation of this chapter is a Class E crime for which a fine of not less than \$250 must be adjudged. The unlawful excavation for any one day 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 [PL 1999, c. 748, §2 (AMD).]

B. To enjoin future unlawful excavation. [PL 1999, c. 748, §2 (AMD).]

C. [PL 1999, c. 748, §2 (RP).]  
[PL 2019, c. 113, Pt. C, §69 (AMD).]

**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 District Court or the Superior Court of the district or county in which the person resides, or in the district or county in which the violation occurred.  
[PL 1989, c. 171, §2 (AMD).]

**SECTION HISTORY**

PL 1981, c. 55, §7 (NEW). PL 1989, c. 171, §2 (AMD). PL 1999, c. 748, §2 (AMD). PL 2013, c. 89, §5 (AMD). PL 2019, c. 113, Pt. C, §69 (AMD).

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