

**Chapter 100: RULES FOR IMPLEMENTING AN ACT TO PRESERVE MAINE'S
ARCHAEOLOGICAL HERITAGE**

SUMMARY: These rules set forth the standards and procedures for access to records in the possession of the Maine Historic Preservation Commission, the State Museum Bureau, the Bureau of Parks and Recreation and other State agencies or the University of Maine containing information regarding the locations or other attributes of archaeological sites.

These rules are jointly adopted by the Historic Preservation Commission and Maine State Museum, but are codified under the Historic Preservation Commission's umbrella number of 94-089.

1. Purpose

State law exempts archaeological site location information held by the Maine Historic Preservation Commission, the Maine State Museum, the Bureau of Parks and Recreation, other State agencies or the University of Maine from the Freedom of Information Act - Title 1, Chapter 13. The law charges the Directors of the Maine State Museum and the Maine Historic Preservation Commission to adopt rules establishing standards and procedures for access to site location records. 27 M.R.S.A. §377.

2. Standards and procedures for access to Site Location Records

- A. Full access shall be limited to those professional archaeologists certified by the State Historic Preservation Officer.
- B. Access on a "need-to-know" basis shall be granted by either the Director of the Maine State Museum or the Maine Historic Preservation Commission; or, the Chairman of the Department of Anthropology at the University of Maine at Orono to professional or academic student archaeologists with a legitimate research interest in Maine archaeology, upon presentation of a research problem demonstrating such need.
- C. Access for cultural resources management purposes by personnel employed by agencies or corporations not employing certified archaeologists shall be on a need-to-know basis. Their use of the records is to be supervised by an archaeologist certified by the State Historic Preservation Officer.
- D. Requests for access to the data shall normally be submitted in writing to the Director of the Maine Historic Preservation Commission (State Historic Preservation Officer), who shall then consult with the Director of the Maine State Museum. Exceptions will be made for routine, limited use of the records for Cultural Resource Management purposes, in which case requests should be made orally or in writing to the certified archaeological staff of the Maine Historic Preservation Commission.

- E. State agencies other than the Maine State Museum or Maine Historic Preservation Commission are requested to restrict access to their files containing archaeological site location information, unless a request has been reviewed by the Directors of the Maine Historic Preservation Commission and the Maine State Museum.

3. Certification Criteria

Application for Maine Historic Preservation Commission certification should be made in the form of a letter accompanied by curriculum vitae. Criteria for certification will normally be a Ph.D. in anthropology, archaeology, or related field, extensive experience in Northeast archaeology, and a demonstrated, ongoing research interest in Maine archaeology.

STATUTORY AUTHORITY: 27 MRSA §377

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April 22, 1982

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