

I MINA 'BENTE NUEBI NA LIHESLATURAN GUÁHAN
2008 (Second) REGULAR SESSION

Bill No. 314 (EC)

Introduced by:

J.V. Espaldon
A. B. Palacios, Sr.

An Act to amend §76212 of Title 21, Guam Code Annotated, relative to specifying the depository for all remains and objects; and to add a new subsection (e) to §76511 of Title 21, Guam Code Annotated, relative to the penalties for failure to comply with a Certificate of Approval.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement. Guam's historic preservation laws will be severely tested in the years to come as our island experiences its next surge in development. A review of the laws across the United States guiding the ownership, repatriation, caretaking, and exhibition of prehistoric and historic remains and objects reveals a wide range of allowable actions, mitigation remedies, and penalties and fines for non-compliance with approved actions. Guam's statute relative to historic preservation has also gone through changes over the twenty (20) years of its existence, and it is situated almost midway between the extremes found in other jurisdictions. It is the intent of these proposed amendments to further highlight the need for vigilance when it comes to the preservation of Guam's culture and history, and to deter, by the imposition of hefty fines and/or terms of imprisonment, the unauthorized destruction of irreplaceable remains and objects that make up Guam's unique place in the world.

Section 2. Amendment to amend §76212 of Title 21, Guam Code Annotated. §76212 of Title 21, Guam Code Annotated is amended to read:

“§76212. Prehistoric or Historic Objects; Public Property.

The Department shall, subject to the provisions of this Chapter, determine the disposition of such prehistoric or historic remains or objects wheresoever located within the territory which are the property of the territory. Any person who disturbs remains or objects of prehistoric or historic significance or removes such remains or objects from its site with the intent to convert the object to his own use or for the use of others shall be guilty of a petty misdemeanor.

1 When a private landowner or lessee in the territory discovers remains or objects which may
2 be of historic significance on his property, he shall report the location of such remains or objects,
3 without disturbing the remains or objects, to the Department. Such private landowner shall be
4 compensated, in accordance with § 76112 for any prehistoric or historic remains or objects
5 excavated or removed from his lands by the Department.

6 To the extent practicable, all prehistoric and historic remains and objects shall be returned to
7 the People of Guam, with the Guam Museum serving as the depository for said remains and
8 objects.”

9 **Section 3. Add a new subsection (e) to §76511 of Title 21, Guam Code Annotated. A**
10 new subsection (e) is added to §76511 of Title 21, Guam Code Annotated to read:

11 “(e) After a Certificate of Approval has been issued for a requested action as enumerated
12 in subsection (a), any unauthorized disturbances of prehistoric or historic remains or objects shall be
13 subject to fines of up to Fifty Thousand Dollars (\$50,000.00) and/or imprisonment of up to three (3)
14 years for each violation.”