

MAINE STATE LEGISLATURE

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ROS

L.D. 795

Date: 5/2/25

(Filing No. S-38)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 360, L.D. 795, "An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process"

Amend the bill by striking out the title and substituting the following:

'An Act to Establish a Waiver Process from the Permit Requirements for the Use of Explosives in Recreational or Hobby Mining Activities'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 25 MRSA §2473-A is enacted to read:

§2473-A. Waiver of permit requirements for recreational or hobby mining

Notwithstanding section 2473, a person intending to conduct recreational or hobby mining activities may request and the commissioner may approve a waiver from the permit requirements of section 2473 for the possession, use, storage and transportation of explosives for use in the recreational or hobby mining activities.

1. Criteria for approval. The commissioner may approve a waiver under this section if the commissioner determines that:

A. The person requesting the waiver has not committed any violations of this chapter or the rules adopted pursuant to this chapter or any other violations of law or rules relating to public safety;

B. The person requesting the waiver has demonstrated to the commissioner's satisfaction that compliance with the requirements of this chapter is impractical with respect to the recreational or hobby mining activities the person intends to conduct;

C. Approving the waiver will not compromise public safety or pose a risk to public or private property;

COMMITTEE AMENDMENT

1 D. The person requesting the waiver has agreed to implement alternative safety
2 measures for the possession, use, storage and transportation of explosives as directed
3 by the commissioner; and

4 E. The person requesting the waiver had previously been issued a waiver from the
5 requirements of section 2473 by the commissioner prior to March 4, 2025.

6 2. Rules. The commissioner may adopt rules as necessary to implement this section.
7 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
8 chapter 375, subchapter 2-A.

9 As used in this section, "recreational or hobby mining activities" means mining
10 activities for which a person is not required to obtain a permit under the Maine Metallic
11 Mineral Mining Act and that are conducted for a noncommercial purpose.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
13 number to read consecutively.

14 SUMMARY

15 This amendment changes the title of and replaces the bill. It amends the laws regulating
16 explosives and flammable liquids to provide that the Commissioner of Public Safety may
17 approve a waiver from the requirement that a person possessing, using, storing or
18 transporting explosives obtain a permit from the commissioner if the person is intending to
19 conduct recreational or hobby mining activities and satisfies other specified criteria,
20 including a requirement that the person requesting the waiver had previously been issued a
21 waiver from the permit requirements prior to March 4, 2025. The amendment defines
22 "recreational or hobby mining activities" as mining activities that are not required to obtain
23 a permit under the Maine Metallic Mineral Mining Act and that are conducted for a
24 noncommercial purpose.

25 FISCAL NOTE REQUIRED

26 (See attached)



132nd MAINE LEGISLATURE

LD 795

LR 1704(02)

An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process

Fiscal Note for Bill as Amended by Committee Amendment "A" (S. 38)
Committee: Environment and Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Public Safety associated with reviewing and issuing requests for waivers of permits and rule making are expected to be minor and can be absorbed within existing budgeted resources.