

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 795

S.P. 360

In Senate, March 4, 2025

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

Received by the Secretary of the Senate on February 27, 2025. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MARTIN of Oxford.
Cosponsored by Representative SOBOLESKI of Phillips and
Representatives: LANCE of Paris, SCHMERSAL-BURGESS of Mexico, WADSWORTH of
Hiram.

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

2 **Sec. 1. 38 MRSA §490-MM, sub-§11**, as amended by PL 2023, c. 398, §3, is
3 further amended to read:

4 **11. Mining, mining operation or mining activity.** "Mining," "mining operation" or
5 "mining activity" means activities, facilities or processes necessary for the extraction or
6 removal of metallic minerals or overburden or for the preparation, washing, cleaning or
7 other treatment of metallic minerals and includes the bulk sampling, advanced exploration,
8 extraction or beneficiation of metallic minerals as well as waste storage and other stockpiles
9 and reclamation activities, but does not include exploration, pegmatite mining conducted
10 pursuant to section 490-NN, subsection 6 or any of the following activities:

11 A. The physical extraction, crushing, grinding, sorting, storage or heating of calcium
12 carbonate or limestone to produce cement when such activity is subject to article 6,
13 article 8-A or Title 12, chapter 206-A or when such activity covers one acre or less of
14 surface area in total;

15 B. The exploration for or physical extraction, crushing, grinding, sorting or storage of
16 borrow, topsoil, clay or silt when such activity is subject to article 7 or Title 12, chapter
17 206-A or when such activity covers 5 acres or less of surface area in total;

18 C. The exploration for or physical extraction, crushing, grinding, sorting or storage of
19 gemstones, aggregate, dimension stone or other construction materials from a quarry
20 that is subject to article 8-A or Title 12, chapter 206-A or when such activity covers
21 one acre or less of surface area in total; and

22 D. The exploration for or physical extraction, crushing, grinding, sorting or storage of
23 any other metallic minerals when such activity has been excluded from the
24 requirements of this article pursuant to a determination made by the department under
25 section 490-NN, subsection 4.

26 **Sec. 2. 38 MRSA §490-MM, sub-§13-B** is enacted to read:

27 **13-B. Pegmatite mining.** "Pegmatite mining" means the extraction for commercial
28 sale of pegmatite or similar minerals commonly found in pegmatite rock formations,
29 including, but not limited to, gemstones, feldspar, mica and lithium-bearing minerals.

30 **Sec. 3. 38 MRSA §490-NN, sub-§5**, as enacted by PL 2023, c. 398, §5, is amended
31 to read:

32 **5. Mining excise tax.** A person engaging in mining activities pursuant to this article
33 and a person, pursuant to article 6, article 7, article 8-A or Title 12, chapter 206-A, engaging
34 in activities described in section 490-MM, subsection 11, paragraph D following a
35 determination by the department under subsection 4 is subject to the mining excise tax
36 under Title 36, chapter 371. A person engaging in pegmatite mining conducted pursuant
37 to subsection 6 or in the activities described in section 490-MM, subsection 11, paragraphs
38 A to C is not subject to the mining excise tax under Title 36, chapter 371.

39 **Sec. 4. 38 MRSA §490-NN, sub-§6** is enacted to read:

40 **6. Pegmatite mining; permit by rule.** In accordance with the requirements of this
41 subsection, the department may authorize a person to engage in pegmatite mining through
42 a permit by rule if:

1 A. The pegmatite mining activity is subject to and satisfies the requirements of article
2 8-A, as applicable, including, but not limited to, site reclamation requirements,
3 environmental protection standards and public safety standards; and

4 B. The area on which active pegmatite mining is to occur covers 20 acres or less of
5 surface area in total. If the area of active pegmatite mining reaches the 20-acre limit,
6 the person may apply for and the department may issue additional permits by rule in
7 accordance with this subsection as long as the area on which active pegmatite mining
8 is to occur under each permit by rule does not exceed 20 acres of surface area.

9 Notwithstanding any provision of law to the contrary, the department shall decide upon an
10 application for permit by rule submitted pursuant to this subsection within 30 calendar days
11 after notifying the applicant of acceptance of the application. If the department does not
12 approve or deny the application within that 30-day period, the applicant may begin the
13 pegmatite mining activity as described in the application.

14 Pegmatite mining conducted pursuant to this subsection is not subject to the otherwise
15 applicable requirements of this article, the otherwise applicable rules adopted pursuant to
16 this article, except for those rules adopted by the department pursuant to this subsection, or
17 the fees for metallic mineral mining set forth in section 352, subsection 4-A.

18 The department shall adopt rules to implement this subsection. Rules adopted pursuant to
19 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
20 2-A.

21 **SUMMARY**

22 This bill amends the Maine Metallic Mineral Mining Act to provide that the
23 Department of Environmental Protection may authorize a person to engage in pegmatite
24 mining through a permit by rule if:

25 1. The activity is subject to and satisfies the requirements of the quarrying laws, as
26 applicable, including, but not limited to, site reclamation requirements, environmental
27 protection standards and public safety standards; and

28 2. The area on which active pegmatite mining is to occur covers 20 acres or less of
29 surface area in total.

30 Pegmatite mining conducted pursuant to such a permit by rule is not subject to the
31 otherwise applicable requirements of the mining law, the otherwise applicable rules
32 adopted pursuant to that law or the otherwise applicable fees for metallic mineral mining.
33 The bill defines "pegmatite mining" as the extraction for commercial sale of pegmatite or
34 similar minerals commonly found in pegmatite rock formations, including, but not limited
35 to, gemstones, feldspar, mica and lithium-bearing minerals.