

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 179

S. P. 78

In Senate, January 25, 1955.

On motion of Senator Butler of Franklin Reference Reconsidered, referred to the Committee on Natural Resources, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Boyker of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Amending the Mining Law.

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

Sec. 1. R. S., c. 39-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 39-A, to read as follows:

'CHAPTER 39-A.

Maine Mining Bureau.

Sec. 1. Mining bureau established. The Maine Mining Bureau, as heretofore established, shall consist of 5 members, one each from the State Department of Agriculture and the Forestry Department, each of whom shall be appointed by the head of his respective department, the Deputy Secretary of State, the Executive Director of the Maine Development Commission and the State Geologist. The State Geologist, by virtue of his office, shall be the consultant to said Bureau. They shall organize with a chairman, and a secretary who shall keep the records of their doings and such data regarding the mines in the state as may be useful.

Sec. 2. Authority to prospect. Any person over 18 years of age or any corporation may enter upon state-owned land, including lands held in trust, when the trust is such as to be consistent with mineral developments, on receipt of a permit from the Maine Mining Bureau for the purpose of prospecting for any valuable minerals and metals, except water, sand and gravel. If machinery or explosives are to be used for prospecting on state-owned lands, the methods to be employed and the amount of explosives to be allowed must first be approved by the Mining Bureau.

Sec. 3. Location of claim and maintenance of right of possession. Any person who has secured a license as aforesaid may locate a mining claim, by defining the boundaries of the claim, which shall not be more than 1,500 feet in length and not more than 600 feet in width, and by erecting at the point of discovery a location monument showing the extent of the location, the name of the claim, the name of the locator, and the date of the location. The location or record of any claim shall be construed to include all surface ground within the surface lines thereof and all ledges throughout their entire depth, but shall not include any portion of such ledges beyond the end and side lines of the claim or timber and grass on the claim. The claim shall in no way interfere with harvesting timber until actual mining operations are being carried on. The locator of a mining claim, to obtain the right of possession, must carry out such preliminary exploration as will, in the judgment of the Mining Bureau, furnish evidence upon which a license to mine may be granted. No person shall locate more than 3 claims in any one unorganized township in 1 year.

Sec. 4. Claim to be recorded. Within 30 days of the date of posting the location notice upon the claim, the locator shall record his claim with the State Land Agent which must contain:

I. A description of the rock or mineral to be mined;

II. The name of the locator;

III. The date of the location and description of the location of said claim, with reference to such natural object or permanent monument as will identify the claim;

IV. The location and description of each corner, with the markings thereon.

Sec. 5. License; fee. Any person or corporation with a recorded claim in accordance with section 4 may make application to the Bureau, accompanied by a report from the State Geologist, or from some geologist or mining engineer in good standing, relating to proposed operations in the location designated, together with the required license fee. A license therefor may be granted by the bureau under such terms and conditions as it may require, which shall expire on December 31 of each year; the annual fee therefor shall be \$25 and may be renewed on expiration providing the licensee satisfies the Bureau that he has complied with the law relating to expenditures as follows: after a claim has been recorded for 3 years, no license shall be issued or renewed until the claim holder satisfies the Bureau that he has expended at least \$500 on the claim in labor or improvements of a mining nature during the preceding 3 year period. Licenses shall not be granted for the fifth and subsequent years after the claim is recorded unless the Bureau is satisfied that the applicant has expended at least \$500 for improvements or development of a mining nature during the previous year. Failure to comply with the provisions of this section shall result in a forfeiture of the claim and in case of forfeiture, the Bureau shall cause an appropriate entry to be made on the records of the State Land Agent. All matters of controversy relative to the procurement of samples, preparation, and grading of mine products, safety and the use and care of explosives in connection with such operations shall be adjusted by the Bureau according to the code of mine practice and safety established by the United States Bureau of Mines.

Sec. 6. Rights of way. Any person who has located a mining claim and has been issued a license in accordance with section 5, shall have the right of way across any lands owned or controlled by the State to and from said location, and the right to take from said public reserved lots all wood and timber necessary to be used in the operation of the mine by paying to the State a fair and just price for the same; and shall also be obligated to pay to the state royalties as provided in section 8 which shall be used the same as are the proceeds derived from timber and grass sold from the public reserved lots. The Bureau may issue a permit to the holder of a license giving him authority to open, construct, put in, maintain and use ditches, tunnels, pipes, conduits, flumes, and other works through, over or upon said land for drainage and passage of water, together with the right to construct dams in connection with the working of his mine to bring thereto water necessary or convenient for its operation with such conditions and restrictions as the Bureau may impose.

Sec. 7. Mining under water. Whenever it is discovered that a vein or lode in a mine continues from under the land to under water, where the title to the land underneath the water is in the State, the owner or owners of the mine shall have the right to follow the vein or lode, and claim the property rights thereto, and to conduct such operations as are necessary to develop and mine the said continuation of the vein or lode, and shall be obligated to pay to the State royalties in accordance with the provisions of section 8.

Sec. 8. Royalties. Royalties, to be paid to the State not to exceed 10% of gross sales from any mining operation conducted in accordance with this chapter, shall be fixed by the Bureau. Upon request of the licensee, a public hearing on the question of royalty rates shall be held by the Bureau. If royalties are not paid as fixed by the Bureau in accordance with this section, the mining license shall be revoked forthwith.

Sec. 9. Annual reports. Any person, firm or corporation engaged in mining operations in accordance with this chapter shall file an annual report with the Mining Bureau in the month of January following the year such operation was permitted, setting forth the location of the operation and the kinds, grades and amounts of materials removed.'

Sec. 2. R. S., c. 40, repealed. Chapter 40 of the revised statutes is hereby repealed.