

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

26

November 20, 1952

To: Joseph M. Trefethen

State Geologist  
Orono, Maine

Re: ~~Re~~Prospecting for Minerals

In answer to your question relative to your duties to inform the owners of lands upon which certain minerals have been located, I think that the answer is found in Section 12 of Chapter 298 of the P. L. of 1951 adding additional sections to Chapter 36 of the R. S. of 1944.

Sec. 13. Procedure after discovery of a deposit. After 30 days from the effective date of sections 12 to 14, inclusive, and within 30 days after the discovery of any deposits, the prospector shall give written notice thereof to the Maine mining bureau, describing particularly the nature and situation of the deposit, and the date of discovery and shall also record the discovery in the manner provided in section 5 for recording claims in the registry of deeds in the county where the discovery was made. After giving such notices and making the recording the prospector shall notify the owner of the land.

The answer seems to be this, if you are the prospector then you have the duty to inform the owner, IF you give notice and record. It may well be noted that the giving of notice may well be a condition precedent to the right of the prospector to claim his vest interest of 5%. If more specifically your question is: Must I, as State Geologist give notice to the owner when I learn of the discovery, as part of my official duty? I would answer that question in the negative. First there is not statute requiring the State Geologist to give this notice, when he learns of a discovery by virtue of his office. Secondly, if a prospector makes a discovery and wishes to claim his rights, he must give notice so the owner is informed of the situation.

Roger A. Putnam  
Assistant Attorney General