

MAINE STATE LEGISLATURE

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November 18, 1955

To Paul A. MacDonald, Deputy Secretary of State
Re Maine Mining Law, Chapter 409, Public Laws of 1955

We have your memorandum of November 9th with reference to the following instances:

"1. Can a corporation engaged in mineral exploration and mining legally acquire the right to mine which certain individuals may have obtained by making proper application to the Mining Bureau in accordance with Chapter 409 of the Public Laws of 1955?"

Section 3 provides that no person shall locate more than three claims in any one unorganized township in one year. "Person", as used here, necessarily includes "corporations".

The law further requires, of course, the person finding the mineral to locate it in accordance with Section 3 and to record his claim with the State Land Agent in accord with the provisions of Section 4. It is only the person who has made the location who may seek a license to mine under Section 5. Note the beginning words of Section 5:

"Any person or corporation with a recorded claim in accordance with section 4 may make application to the bureau."

This does not foreclose any legal arrangements that may be made between the various claim-holders and a mining company to carry on mining for and in behalf of the claimant, but it does prohibit the direct assignment of their rights.

2. You ask a second question as follows: "Can an individual who has filed three claims in one unorganized township expend \$600 on one of the three claims or must at least \$200 be expended on each claim on labor or improvements of a mining nature during the preceding one-year period?"

The answer to this question must be found in Section 5. Generally this section provides that the mining license shall be renewed on the expiration date, provided the licensee satisfies the Bureau that he has expended at least \$200 on the claim in labor or improvements of a mining nature during the preceding one-year period. It is obvious that a great deal of discretion is vested in the Bureau; but it is, we think, quite clear that the \$200 must be spent on the claim, each claim to be considered apart from the others, although they may be adjacent. We do not feel that if we had claims A, B and C, all adjacent to each other, it would be possible to expend \$600 on Claim A and attribute \$200 each to A, B and C. We feel that this necessarily follows from what we consider to be the legislative intent.

We feel that the legislature required this expenditure so that people could not acquire numerous and sundry claims and do nothing about mining them. The legislature wanted action and this is the mode they chose to insure action.

We therefore answer Question 2 in the negative.

Roger A. Putnam
Assistant Attorney General

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