

MAINE STATE LEGISLATURE

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October 14, 1968

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Maine Mining Bureau
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Economic Development
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Recording of claims.

SYLLABUS:

Where a mining claim has been found in order for record by the Mining Bureau and recorded, and proper application for renewal of such claim has been made, informal challenges to the validity of the claim cannot furnish sufficient grounds for the Bureau to refuse such renewal.

FACTS:

On January 2, 1968 the Administrator of the Maine Mining Bureau arrived at his office at 7:00 A.M. to find Claimant A, who presented him with a claim for recording and tendered the proper fees in connection therewith. Claimant B arrived on the scene shortly thereafter, presented a claim covering exactly the same area, and likewise made tender. Both claimants held valid prospector's permits. The Administrator found Claimant A's claim in order and accepted it for record in preference to Claimant B (whose claim was also properly drawn) solely on the basis that Claimant A was first in time respecting presentation for record and therefore first in right. Claimant B did not then dispute the validity of A's claim or the propriety of the Administrator's accepting it for record. Claimant B has subsequently indicated to the Administrator that it does not consider Claimant A's claim valid. Claimant A proposes to submit the affidavit and tender required by 10 M.R.S.A. § 2104(7) (1964) and seek renewal of his claim.

QUESTION:

Where a mining claim has been found in order for record and recorded by the Mining Bureau, and proper application for renewal of the claim has been made, will informal challenges to the validity of the claim, made by an adverse claimant thereto, furnish cause for the Bureau to refuse such renewal?

ANSWER:

No.

OPINION:

The presentation to the Bureau, by the holder of a prospector's permit, of a claim for record, containing all the information required

by law, and accompanied by the proper tender, must be accepted for record by the Bureau and upon acceptance is good against the world. If the holder of such a recorded claim meets the statutory requirements for renewal of the claim, the Bureau must issue the renewal. Disputes between the claimant and others as to the validity of the claim are for the courts, not the Bureau. The Bureau has no jurisdiction or power to judge between adverse claimants.

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Assistant Attorney General

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