

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date August 22, 1974 ✓

To Robert G. Doyle, State Geologist

Dept. Maine Mining Bureau (Consideration)

From Lee M. Schepps, Assistant

Dept. Attorney General

Subject Kerramerican at Blue Hill/Cost of surveying boundary of lake

This is in response to your memo of August 12, 1974. In that memo you stated that there is uncertainty respecting the boundary between private land and public land, that mining claims have been filed on the public lands and that the claimant wishes to survey the boundary line between private and public ownership and then deduct the cost of that survey against the renewal fees for the claim.

Title 10 M.R.S.A. § 2104, sub-§ 7 provides, among other things, that a claim lasts for 12 months and may be renewed up to four successive 12-month periods provided that "investigatory work has been performed on the claim to the extent of not less than 50 man-hours or \$100 worth of work." The subsection goes on to provide that the mining bureau may allow expenditures which are in excess of the foregoing minimum amounts "to be credited to assessment requirements in the following years" under certain conditions. The subsection then provides that the work done by the claim holder for which an expenditure may be credited against assessments in the following years "shall include only work which tends to reveal such characteristics of the material sought as length, width, depth, thickness, tonage and mineral or metal content." (emphasis supplied)

The issue, therefore, is whether or not the cost of surveying a boundary line dividing public land from private land tends to reveal such characteristics of the material sought to be mined as its length, width, depth, thickness, tonage and mineral or other metal content. In my opinion, the cost of surveying the boundary line does not tend to reveal any characteristics of the material sought to be mined and that cost may not be deducted from or credited against assessment requirements in subsequent years under Title 10 M.R.S.A. § 2103, sub-§ 7.

Please let me know if I can be of further assistance.



LEE M. SCHEPPS
Assistant Attorney General

LMS:mfe