

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION
(EMERGENCY)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1705

H. P. 1224

House of Representatives, January 17, 1966

The Committee on Industrial and Recreational Development suggested.

JEROME G. PLANTE, Clerk

Presented by Mr. Binnette of Old Town and Mr. Richardson of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SIX

**AN ACT Relating to Mining Activity Under Goose Falls Pond, Town of
Brooksville, Hancock County.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the development of the State's resources and the growth of its economy are and will continue to be of vital importance and concern to the people of Maine; and

Whereas, the State has adopted a program for the exploration of state-owned lands and for the development of mineral deposits found thereon and has encouraged mining companies to engage in such projects on state-owned lands; and

Whereas, exploration carried on in the area of the Town of Brooksville Hancock County indicates the presence of a mineral deposit within state-owned lands beneath the waters of a certain tidal estuary commonly called Goose Falls Pond; and

Whereas, the realization of a mining operation in said area will not only permit recovery of minerals from state-owned lands and produce royalty income for the State, but, in addition, will provide employment, business opportunities, income and other revenue to the people of Hancock County and the State of Maine; and

Whereas, it appears that the presence of water in the aforesaid tidal estuary precludes the performance of feasible mining operations on the aforesaid mineral

deposit and that said deposit can be developed only by temporarily draining the water therefrom; and

Whereas, it further appears that the presence of water in the aforesaid tidal estuary is not of significant interest to the State as concerns navigation or fisheries and that the use of said state-owned lands for mining operations is consistent with any prior or proposed use by the State; and

Whereas, it further appears that the proposed mining operation will not adversely affect the preservation or development of wildlife in the area and that it may as planned provide a better environment and improved habitat for same; and

Whereas, it further appears, that the proposed draining of the aforesaid tidal estuary and the mining operations will not present or create a water pollution problem in the aforesaid area; and

Whereas, it further appears that present law does not authorize any diversion and draining of the aforesaid tidal estuary for the development of mineral deposits on said state-owned land and that there is a need of legislation for this purpose; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore;

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

Sec. 1. Public use. The development, mining and removing of minerals from land owned by the State of Maine located beneath the waters of a certain tidal estuary commonly called Goose Falls Pond in the Town of Brooksville, Hancock County, is of public interest to the State, and the use of such land for the mining and removing of minerals and for operations incidental thereto is declared to be a public use.

Sec. 2. Pond drainage. The Maine Mining Bureau or the holder of a mining lease therefrom, or his or its assigns, is authorized as follows:

1. **Construct and maintain.** To construct and maintain on the aforesaid state-owned lands one or more dams to exclude and divert tidal waters and fresh water from the aforesaid tidal estuary.

2. **Drain.** To drain or otherwise remove the water from the aforesaid tidal estuary.

3. **Return of water upon termination.** To return the water to the aforesaid tidal estuary upon termination of mining, removing of minerals and operations incidental thereto.

Sec. 3. Riparian rights. The Maine Mining Bureau shall have the right to take and hold, for the period during which the aforesaid tidal estuary is wholly or partially drained, such riparian rights as may be required for the

damming and draining of the aforesaid tidal estuary, and shall pay just compensation therefor.

The proceedings for taking such riparian rights and for determination of compensation, payable to the owners of such rights shall be had in accordance with the Revised Statutes, Title 35, sections 3241 to 3252.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.