

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)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 448

H. P. 339

House of Representatives, January 28, 1969

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Rideout of Manchester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Revising the Maine Mining Law.

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

Sec. 1. R. S., T. 10, § 2101, repealed and replaced. Section 2101 of Title 10 of the Revised Statutes, as amended by section 1 of chapter 170 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 2101. Establishment

The Maine Mining Bureau, as heretofore established, shall consist of 7 members, one each from the State Departments of Agriculture, Forestry, Economic Development, Inland Fisheries and Game, Sea and Shore Fisheries and the Water and Air Environmental Improvement Commission, plus the State Geologist. The State Geologist, by virtue of his office, shall be the consultant to said bureau. The State Geologist shall act as administrator and recorder to keep the records of the meetings and activities of the bureau and to maintain all prospecting, development and mining records and data as shall be necessary to the bureau and the mining industry. The jurisdiction of the bureau shall extend to all onshore land and offshore substrata owned or held in trust by the State. The Mining Bureau shall have the power to make such reasonable rules and regulations as it may deem proper with respect to all sections of this subchapter, including safety and resource conservation.

Sec. 2. R. S., T. 10, §§ 2101-A - 2101-B, additional. Title 10 of the Revised Statutes is amended by adding 2 new sections 2101-A and 2101-B, to read as follows:

§ 2101-A. Purpose

It shall be the purpose of the Maine Mining Bureau to administer, regulate and control:

1. Mineral development. Mineral development and mining on state lands, inland waters and offshore territory of the State of Maine;
2. Natural resource conservation. Natural resource conservation as it relates to mineral and oil and gas development.

§ 2101-B. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings:

1. Development. "Development" shall include all of the methods used in the preparation of a known and presumed economically extractable ore deposit for mining.
2. Exploration. "Exploration" shall include all of the manual, mechanical, electronic or chemical methods of determining the presence, size and unit value of a mineral deposit.
3. Hard minerals. "Hard minerals" shall mean all naturally occurring mineral deposits exclusive of oil and gas, coal and lignite.
4. Machinery and explosives. "Machinery and explosives" shall include:
 - A. Any equipment or machinery exclusive of vehicles which are used to prospect, explore, develop or mine a mineral deposit;
 - B. Any explosive materials which are used for the above-named procedures.
5. Mining. "Mining" shall include all of the extractive and beneficiative processes necessary to remove and prepare for market a mineral deposit.
6. Ore. "Ore" shall mean any hard mineral or an aggregate of hard minerals which from the standpoint of a mining operator can be worked at a profit.
7. Prospecting. "Prospecting" shall mean a preliminary examination of an area for the purpose of discovering the possible presence of valuable minerals.

Sec. 3. R. S., T. 10, § 2102, repealed and replaced. Section 2102 of Title 10 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2102. Authority to prospect

Any person over 18 years of age or any corporation may enter upon state-owned land, including lands held in trust, when the trust is such as to be consistent with mineral development, on receipt of a prospector's permit from the Maine Mining Bureau for the purpose of prospecting for valuable hard minerals and metals, except water, sand and gravel, unless otherwise indicated in this subchapter. A prospector's permit shall be issued upon payment of a fee of \$5 and shall apply to state lands owned or held in trust within the jurisdiction of the bureau. A prospector's permit shall bear a number and be dated on the date of issue thereof and shall expire at midnight on the 31st day

of December then next ensuing. The holder of a permit is entitled to a renewal of his permit upon expiration thereof, upon making application to the Mining Bureau on or before December 31st including payment of the prescribed fee, which renewal shall take effect on January 1st and bear the same number as the expired permit.

If machinery or explosives are to be used for prospecting in areas under state jurisdiction, the methods to be employed and the amount of explosives to be allowed must first be approved by the Mining Bureau.

Sec. 4. R. S., T. 10, § 2103, repealed and replaced. Section 2103 of Title 10 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2103. Location of claim and maintenance of right of possession

Any person or corporation who has secured a prospector's permit may locate one or more claims by defining the boundary lines of the claim or claims. No claim shall be greater than 1,500 feet in length by 600 feet in width. The location or record of any claim shall be construed to include all surface found within the surface boundary lines thereof and all ledges throughout their entire vertical depth, but shall not include any portion of such ledges beyond the end and side lines of such claim, or timber and grass on such claim. As nearly as circumstances will permit, a claim shall be staked out in the following manner, namely:

1. Posts and monuments. By erecting a post or other reasonably permanent monument at each of the 4 corners of the claim and numbering the posts or monuments consecutively, one through 4, beginning in the most northeasterly corner and proceeding about the claim in a clockwise direction. Every post or monument shall stand not less than 4 feet above the ground, shall be not less than 4 inches in diameter, and shall bear the following information:

A. Post or monument #1. The name of the locator, the number of his prospector's permit, the date of staking, and, if the claim is staked on behalf of another person, the name of the other person and the number of his prospector's permit.

B. Posts or monuments #2, #3 and #4. The name of the locator, and if the claim is staked for another person, his name.

2. Trees or underbrush. By plainly marking the trees with paint and by trimming the underbrush along the boundary lines of the claim to indicate clearly the outlines of the claim; where there are no trees or underbrush, by piling stones or placing pickets at reasonable intervals along the boundary lines of the claim.

3. Post or buoy markers. By establishing post or buoy markers to witness claim corners which fall in a body of water, by placing posts on dry land and marking thereon exact distances and directions to over-water claim corners, or by such other method as the bureau may by regulation establish.

Any person or corporation who has located and recorded any claim or claims shall, subject to this subchapter, have the right of possession of the premises covered by said claim or claims, for the purpose of conducting

thereon mining operations and shall own any hard minerals or metals found therein, and shall have the right to remove the same, and shall have the right to use such water, sand and gravel found on said premises for mining and processing operations. Such rights of possession and such ownership shall be alienable in the same manner as real estate. No alienation or transfer of the rights of possession or ownership conferred by a located and recorded claim shall be effective against the bureau until the transferor shall have notified the bureau of such transfer and shall have received an acknowledgment by the bureau of receipt of such notification. The claim shall in no way interfere with harvesting timber or leasing campsite lots until actual mining operations are being carried on.

Sec. 5. R. S., T. 10, § 2104, amended. The first paragraph of section 2104 of Title 10 of the Revised Statutes is repealed and the following enacted in place thereof:

No person or corporation shall have the right of possession of any claim or claims until such claim or claims shall have been recorded with the Mining Bureau. The prospector who first records with the bureau a validly staked claim or claims in any area shall be deemed the claimholder of record for purposes of this subchapter. This record shall contain:

Sec. 6. R. S., T. 10, § 2104, sub-§ 6, amended. Subsection 6 of section 2104 of Title 10 of the Revised Statutes is amended to read as follows:

6. Fees. The fee for recording, renewing or transferring a claim ~~is \$2~~ shall be \$10;

Sec. 7. R. S., T. 10, § 2104, sub-§ 7, amended. The first 2 sentences of subsection 7 of section 2104 of Title 10 of the Revised Statutes are amended to read as follows:

A claim shall be in effect until December 31st following the date of recording, and shall be extended for further 12-month periods, not exceeding 4 in number, upon application to the Mining Bureau on or before December 31st and upon payment of a like fee as paid when the claim was recorded, and upon filing an affidavit that during the period about to expire investigatory work has been performed on the claim to the extent of not less than ~~200~~ 50 manhours or ~~\$500~~ \$100 worth of work. ~~If the amount of assessment expenditure is far in excess of the minimum requirement, the~~ The Mining Bureau may, upon petition of the claimholder, allow all or part of ~~this any such~~ excess expenditure to be credited to assessment requirements in the following years, as long as the claims are held during the 5-year claim period defined in subsection 9.

Sec. 8. R. S., T. 10, § 2104, sub-§ 9, amended. The last sentence of subsection 9 of section 2104 of Title 10 of the Revised Statutes is amended to read as follows:

Upon lapse or upon filing of notice of abandonment of a claim, no person or corporation holding the claim immediately prior to date of lapse or abandonment or his representative, partner, or leasing associate may relocate on the same area for a period of 60 days.

Sec. 9. R. S., T. 10, § 2107, repealed. Section 2107 of Title 10 of the Revised Statutes is repealed.

Sec. 10. R. S., T. 10, § 2108, amended. The first sentence of section 2108 of Title 10 of the Revised Statutes is amended to read as follows:

Any person who has located a claim and has been issued a license to mine or mining lease in accordance with sections 2105 or 2106 shall have the right of ~~way across~~ **access** to any lands owned or controlled by the State to and from said location, and the right to take from public reserved lots all wood and timber necessary to be used in the operation of the mine, by paying to the State or to the owner of the right to cut timber and grass, a fair and just price for the same.

Sec. 11 R. S., T. 10, § 2109, repealed and replaced. Section 2109 of Title 10 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2109. Mining underwater

The same royalty as provided in section 2105 shall be paid to the State on all hard mineral or metal commodities, including sand and gravel under the territorial sea, produced from mineral deposits situate beneath bodies of water, where the title to the land beneath the water is in the State, but no annual rental charges as specified in section 2105 shall apply to such areas covered by water. Where any mineral is situate under or in the bed of a stream or lake and for the efficient working of the mineral it is necessary to divert the water of such stream, within the boundaries of public land, or drain any lake, the Mining Bureau may permit the same to be done, subject to such regulations or alternative provisions for the benefit of any persons or corporations who are entitled to the use of the water of such stream or lake in its natural state, as to the bureau may seem just and expedient.

Sec. 12. R. S., T. 10, § 2110, amended. The first paragraph of section 2110 of Title 10 of the Revised Statutes is repealed and the following enacted in place thereof:

Any person or corporation with a recorded claim, license to mine, or mining lease engaged in exploration, mine development, or mining under this subchapter shall file an annual report with the Mining Bureau and pay all applicable fees, rentals and royalties in the month of January following the year such operation was carried on setting forth:

Sec. 13. Application. Sections 2101 to 2111 of Title 10 of the Revised Statutes shall be subchapter I of chapter 401.

Sec. 14. Appropriation. There is appropriated from the General Fund to the Maine Mining Bureau the sum of \$22,750 to carry out the purposes of this Act. The breakdown shall be as follows:

	1969-70	1970-71
MAINE MINING BUREAU		
Personal Services	(1) \$ 7,500	(1) \$10,000
All Other	1,875	2,500
Capital Expenditures	375	500
	<hr/>	<hr/>
	\$ 9,750	\$13,000