

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1247**

H. P. 1001

House of Representatives, March 16, 1979

The Speaker laid before the House and on Motion of Mr. Blodgett of Waldoboro, referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. J. Martin of Eagle Lake.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Relating to Mining on State Lands.**

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

**Sec. 1. 12 MRSA § 547, sub-§ 4, ¶ G, 4th sentence**, as enacted by PL 1977, c. 360, § 7, is amended to read:

The work done shall be described in the affidavit and shall include only work which tends to reveal such characteristics of the material sought as length, width, depth, thickness, tonnage and mineral or metal content **or, with respect to nonmetallic minerals, other physical characteristics of the deposit relating directly to the commercial exploitation thereof.**

**Sec. 2. 12 MRSA § 547, sub-§ 6, ¶ A, 2nd sentence**, as enacted by PL 1977, c. 360, § 7, is amended to read:

Such application shall ~~include~~ **be accompanied by** a report from a certified geologist or mining engineer ~~describing the proposed mining operations containing all information of a geologic, engineering and operational nature which is required by the survey to properly evaluate the application~~, an accurate survey of the property boundaries certified by a qualified surveyor and evidence of ability to finance the proposed mining operations.

Sec. 3. 12 MRSA § 547, sub-§ 7-A is enacted to read:

**7-A. Common and undivided interests.** The director, acting jointly with the Director of the Bureau of Public Lands, may by regulation establish procedures for the filing of claims and issuance of permits, licenses and leases covering state-owned public lands, including public reserved lands, which are comprised of state-owned common and undivided interests. The regulations may condition the filing of a claim and the issuance of a permit, license or lease upon the consent of a majority of the private common and undivided ownership of the parcel of land to which the claim, permit, license or lease relates. Where the State owns a minority interest in such a parcel, the royalty rate set for the state-owned minority interest shall reasonably relate to royalty rates generally prevailing or applicable to the privately owned majority interest and any partition occasioned by a negative ruling under subsection 5, shall be conducted with reasonable expedition. Any permit, license or lease issued under this section shall extend only to the common and undivided interest of the State. In any partition or location of public reserved land, the Bureau of Public Lands is authorized to accept a partition of the surface estate and to continue as a cotenant in all or a portion of the mineral estate.

Sec. 4. 30 MRSA § 4162, sub-§ 4, ¶ F, as last amended by PL 1977, c. 360, § 34, is repealed.

#### STATEMENT OF FACT

Section 1 of this bill is intended to give the State flexibility in dealing with the claim development of nonmetallic minerals such as peat and diatomite, which typically occur in deposits of known length, depth, thickness, etc. Section 2 clarifies the scope of data required to be submitted for obtaining a license to mine.

Section 3 of this bill authorizes the establishment of procedures for filing claims and issuing mining leases for lands in which the State owns a common and undivided interest, including both "unlocated" public lots and several parcels in which interests have been received by the State in public reserved land exchanges in the past few years. The enactment is necessary to allow the Bureaus of Geology and Public Lands to coordinate the activities of the State as a landowner with private landowners owning interests in the various lands involved. In the event of disagreement between the State (as landowner), and private landowners, the parcel involved would be partitioned, thereby terminating the cotenancy. Nothing in this bill relieves any person or entity from the obligation to comply with applicable environmental or other regulatory laws and regulations of the State.

Section 4 of the bill repeals overlapping legislation in Title 30.