MAINE STATE LEGISLATURE

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(New Draft of S.P. 53, L.D. 145)
FIRST REGULAR SESSION
ONE HUNDRED AND ELEVENTH LEGISLATURE
Legislative Document No. 1414
S.P. 468 In Senate, April 5, 1983 Reported by Senator Kany of Kennebec from the Committee on Energy and Natural Resources and printed under Joint Rule 2.
JOY J. O'BRIEN, Secretary of the Senate
STATE OF MAINE
IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE
AN ACT to Extinguish Obsolete Mineral and Mining Rights.
Be it enacted by the People of the State of Maine as follows:
14 MRSA §6662 is enacted to read:
§6662. Extinguishment of mineral rights
1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.
A. "Mineral" means all naturally occurring mineral deposits, including hydrocarbons and peat, but excluding sand, gravel and water.
B. "Mineral interest" means the interest in minerals which is created by an instrument transfer-

1 ring by grant, assignment, lease or otherwise, 2 any interest in any mineral. 3 C. "Use of the mineral interest" means: 4 (1) Payment of rents or royalties for the 5 option or exercise of mineral rights; 6 (2) Payment of any excise tax under Title 7 36, sections 2851 to 2865; 8 (3) Extraction of minerals from the ground 9 in quantities in excess of that necessary to 10 conduct exploratory activity; or (4) Filing of a statement of claim under 11 12 subsection 3. 2. Claim. A person claiming an estate in a mineral interest may maintain an action, as provided in 13 14 15 sections 6651 to 6654 or sections 6655 to 6657, without the necessity of showing 4 years of possession 16 17 next prior to filing of that complaint, provided that 18 the person is the fee simple owner of the land which 19 is subject to that interest. 3. Assertion of claim. An owner, assignee or lessee of a mineral interest may file a statement of 20 21 22 claim with the registrar of deeds of the county in which the land subject to the mineral interest is 23 24 located. The claim shall contain his name and ad-25 dress, a description of the land that is subject to that interest and a legal description of the mineral 26 27 interest. 4. Court; finding. The court, in an action brought under subsection 2, shall find that the min-28 29 30 eral interest is extinguished and shall order that 31 title to the mineral interest is in the complainant 32 if: 33 A. The owner, assignee or lessee of the mineral 34 interest has failed to make use of the mineral 35 interest during a period of 50 consecutive years 36 next prior to the filing of the complaint; and

B. Two years have passed since notice of the complaint under subsection 2 was served and the owner, assignee or lessee of the mineral interest has not filed a statement of claim under subsection 3 during that period.

STATEMENT OF FACT

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This amendment changes the procedures for extinquishing mineral interests to protect affected property rights, consistent with the dissenting opinion in Texaco v. Short (1970 L.Ed.2d. 783). The original bill extinguished mineral rights that have not been used for 20 years. The amendment increases the period of nonuse to 50 years before mineral rights treated as abandoned. The amendment cross references the procedures to quiet title, requiring that the surface property owner petition a court for ownership of the mineral rights and make diligent efforts to provide actual notice to any person who owns mineral rights that are being extinguished. The mineral rights may not be extinguished until 2 years after this notice has been provided. The owner, assignee lessee of the mineral interest may reassert his rights during this period by filing a statement claim with the registrar of deeds.

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