

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

11 (4) Filing of a statement of claim under
12 subsection 3.

13 2. Claim. A person claiming an estate in a min-
14 eral interest may maintain an action, as provided in
15 sections 6651 to 6654 or sections 6655 to 6657, with-
16 out the necessity of showing 4 years of possession
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.

20 3. Assertion of claim. An owner, assignee or
21 lessee of a mineral interest may file a statement of
22 claim with the registrar of deeds of the county in
23 which the land subject to the mineral interest is
24 located. The claim shall contain his name and ad-
25 dress, a description of the land that is subject to
26 that interest and a legal description of the mineral
27 interest.

28 4. Court; finding. The court, in an action
29 brought under subsection 2, shall find that the min-
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

