

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 254

---

H.P. 187

House of Representatives, January 31, 2017

### **An Act To Implement a Moratorium on Metallic Mineral Mining**

(EMERGENCY)

---

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CHAPMAN of Brooksville.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the statutory provisions of the Maine Metallic Mineral Mining Act took  
4 effect on June 1, 2014 without the corresponding regulatory framework in place as  
5 directed under Public Law 2011, chapter 653; and

6           **Whereas,** without the corresponding regulatory framework in place, the State is at  
7 risk for litigation based on inconsistencies between the current statutory and regulatory  
8 frameworks for metallic mineral mining; and

9           **Whereas,** implementation of a moratorium on the issuance of a mining permit under  
10 the Maine Metallic Mineral Mining Act provides the State with the time necessary to  
11 address these inconsistencies; and

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

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

17           **Sec. 1. 38 MRSA §490-UU** is enacted to read:

18           **§490-UU. Moratorium**

19           Notwithstanding any other provision of law to the contrary, the department may not  
20 issue a mining permit under this article until this section is repealed.

21           **Emergency clause.** In view of the emergency cited in the preamble, this  
22 legislation takes effect when approved.

23   **SUMMARY**

24           This bill implements a moratorium on metallic mineral mining in the State by  
25 prohibiting the Department of Environmental Protection from issuing a permit to mine  
26 under the Maine Metallic Mineral Mining Act.