

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 580

S.P. 195

In Senate, February 16, 2017

An Act To Modify the Mining Laws

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to enact provisions amending the State's mining laws, including,
6 but not limited to, the following:

7 1. It would amend the laws regarding mining on state lands under the Maine Revised
8 Statutes, Title 12, chapter 201-A, subchapter 3 to prohibit the issuance of a mining lease
9 under that chapter authorizing mining operations located wholly or partially in, on or
10 under designated lands, state historic sites, state parks, public reserved lands, the Allagash
11 Wilderness Waterway or state-owned wildlife management areas;

12 2. It would amend the Maine Metallic Mineral Mining Act, referred to in this
13 summary as "the mining act," to prohibit the issuance of a mining permit if any part of a
14 proposed mining operation will be located wholly or partially in, on or under designated
15 lands, state historic sites, state parks, public reserved lands, the Allagash Wilderness
16 Waterway or state-owned wildlife management areas;

17 3. It would amend the definition of "mining area" under the mining act to clarify that
18 each mining operation or activity must have a defined mining area and it would limit the
19 allowance for groundwater contamination within a mining area under the mining act;

20 4. It would amend the mining act to prohibit the placement of any mining operation
21 in, on or under a flood plain or a flood hazard area;

22 5. It would amend the mining act to prohibit the placement of any mining operation
23 in or on a river, stream or brook or in, on or under a great pond or the coastal waters of
24 the State;

25 6. It would clarify, for the purposes of the mining act, that mining by in situ leaching
26 is prohibited; and

27 7. It would require an applicant for a permit or a permittee under the mining act to
28 provide special financial assurance coverage for a worst-case mining event or failure,
29 with the amount of the coverage to be determined by the Department of Environmental
30 Protection as based on an independent 3rd-party cost estimate paid for by the applicant.
31 Prior to commencing any mining operation or activity under an approved permit, a
32 permittee would be required to fully fund, with cash or cash equivalents, a trust fund in
33 the amount of this special financial assurance coverage.

34 The bill also proposes to enact a prohibition on metallic mineral mining in the State
35 and to direct a corresponding repeal of all state agency rules relating to metallic mineral
36 mining contingent upon the failure of the Department of Environmental Protection to

1 finally adopt major substantive rules for metallic mineral mining in the State under the
2 mining act on or before August 1, 2018.