

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 685

H.P. 476

House of Representatives, February 28, 2017

An Act To Establish the Mining Advisory Panel

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

2 **Sec. 1. 5 MRSA §12004-I, sub-§24-G** is enacted to read:

3 **24-G.**

4 Environment: Mining Advisory Legislative Per 38 MRSA §490-UU
5 Natural Resources Panel Diem and Expenses

6 This subsection is repealed January 1, 2020.

7 **Sec. 2. 38 MRSA §490-UU** is enacted to read:

8 **§490-UU. Mining Advisory Panel**

9 **1. Establishment and purpose.** The Mining Advisory Panel, referred to in this
10 section as "the panel," established by Title 5, section 12004-I, subsection 24-G, is created
11 for the purpose of designing and submitting to the Legislature recommendations
12 regarding the establishment of a statutory and regulatory framework for metallic mineral
13 mining in the State.

14 **2. Membership.** The panel consists of between 3 and 7 members as provided in this
15 subsection.

16 A. Two members of the panel must be individuals with expertise in the mining of
17 volcanogenic massive sulfide deposits, one appointed by the President of the Senate
18 and one appointed by the Speaker of the House of Representatives.

19 B. The members appointed under paragraph A shall appoint the 3rd member of the
20 panel, who must also have expertise in the mining of volcanogenic massive sulfide
21 deposits.

22 C. The members appointed under paragraphs A and B shall jointly, by unanimous
23 consent, appoint up to 4 additional members of the panel, at least one of whom must
24 have expertise in the mining of volcanogenic massive sulfide deposits.

25 D. If the members appointed to the panel under paragraph A are unable to agree on
26 the appointment of a 3rd member as provided in paragraph B, they shall
27 communicate their disagreement to the President of the Senate and the Speaker of the
28 House of Representatives, who shall rescind the appointments made under paragraph
29 A and shall each make a new appointment to the panel consistent with paragraph A.

30 **3. Chairs.** The members of the panel appointed under subsection 2, paragraph A are
31 the cochairs of the panel.

32 **4. Staff assistance.** Within the limits of its budget, the panel is authorized to
33 contract with and employ staff members to assist the panel in carrying out its duties.

34 **5. Quorum.** For purposes of holding a meeting, a quorum is a simple majority of all
35 members appointed to the panel in accordance with subsection 2. A quorum must be
36 present to start a meeting or to vote but not to continue or adjourn a meeting.

1 6. Terms; vacancies. Members of the panel serve for a term of 2 years and may be
2 reappointed. A vacancy must be filled in the same manner as the original appointment.
3 Members may continue to serve until their replacements are appointed. A member may
4 designate an alternate to serve on a temporary basis.

5 7. Consultation. Whenever the panel considers it appropriate, the panel may seek
6 the advice of experts in fields related to its duties.

7 8. Powers and duties. The panel:

8 A. Shall meet at least 4 times annually;

9 B. Shall review, study and analyze the State's current and historical statutory and
10 regulatory frameworks for metallic mineral mining as well as those in place in other
11 jurisdictions, including the mining laws and regulations adopted by other nations;

12 C. May hold public hearings or other public meetings to receive testimony and
13 recommendations from members of the public, state agencies and qualified experts
14 on matters related to metallic mineral mining; and

15 D. Shall design a statutory and regulatory framework for metallic mineral mining in
16 the State that contains all standards necessary to protect the public health and safety
17 and the environment, including, but not limited to, standards regulating effects on
18 groundwater quality, control of noise, preservation of historic sites, preservation of
19 unusual natural areas, effects on scenic character and protection of wildlife and
20 fisheries. The statutory and regulatory framework for metallic mineral mining
21 designed by the panel must, at a minimum:

22 (1) Comply with all applicable federal environmental laws and standards,
23 including, but not limited to, the federal Clean Air Act of 1963 and the federal
24 Clean Water Act of 1977;

25 (2) Require that all mining areas be left in or returned to a geologically stable
26 condition following remediation and closure;

27 (3) Require a permittee to provide a specific plan for ensuring that all mining
28 areas will be left in or returned to a geologically stable condition following
29 remediation and closure;

30 (4) Require a permittee to demonstrate that the environmental quality and
31 security of a mining site will be protected through the use of proven technologies
32 and best available practices and require use of these technologies and practices as
33 a permit condition;

34 (5) Require that all remediation costs related to a mining area be paid by a
35 permittee and not by the State;

36 (6) Require that the financial assurance method approved for and financial
37 assurance amount required for a permittee be determined by an independent 3rd-
38 party expert with a background in mining;

39 (7) Prohibit mining operations using in situ leaching, heap leaching and block
40 caving;

1 environmental and natural resources matters containing its findings and
2 recommendations, including draft legislation, regarding the establishment of a statutory
3 and regulatory framework for metallic mineral mining. The Mining Advisory Panel is
4 eliminated January 1, 2020.