

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1495

H.P. 950

House of Representatives, April 5, 2023

Resolve, Establishing the Commission to Study the Role of Critical Minerals as a Resource in the State

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

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

ROBERT B. HUNT
Clerk

Presented by Representative CRAFTS of Newcastle.
Cosponsored by Senator RENY of Lincoln and
Representatives: BELL of Yarmouth, CAMPBELL of Orrington, DOUDERA of Camden,
LANDRY of Farmington, SOBOLESKI of Phillips, THERIAULT of Fort Kent, Senators:
FARRIN of Somerset, KEIM of Oxford.

1 **Preamble. Whereas,** critical minerals are an indispensable resource for the people
2 of and businesses in the United States and in the State as a means to use electric fuel rather
3 than fossil fuel for transportation, electrical storage and myriad other critical issues; and

4 **Whereas,** Maine does not have sources of fossil fuel but it does have sources of
5 critical minerals; and

6 **Whereas,** the mining of critical minerals in Maine is not practicable under the current
7 law governing mining of critical minerals regardless of whether the minerals can be mined
8 safely and without potential acid drainage; now, therefore, be it

9 **Sec. 1. Commission established. Resolved:** That the Commission to Study the
10 Role of Critical Minerals as a Resource in the State, referred to in this resolve as "the
11 commission," is established.

12 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
13 353, the commission consists of the following members:

14 1. One member of the Senate who is a member of the party holding the 2nd largest
15 number of seats in the Legislature, appointed by the President of the Senate;

16 2. One member of the House of Representatives who is a member of the party holding
17 the largest number of seats in the Legislature, appointed by the Speaker of the House;

18 3. The Director of the Office of Policy Innovation and the Future or the Director of the
19 Governor's Energy Office or a director's designee, appointed by the Governor;

20 4. The Commissioner of Environmental Protection or the commissioner's designee;

21 5. The State Geologist or the State Geologist's designee;

22 6. One member of a of federally recognized Indian nation, tribe or band in the State,
23 appointed by the Speaker of the House based on the joint recommendations of the tribal
24 governments of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the
25 Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the
26 Penobscot Nation. If the tribal governments do not make a unanimous joint
27 recommendation, the Speaker of the House shall appoint one member of a federally
28 recognized Indian nation, tribe or band in the State;

29 7. The following members appointed by the President of the Senate:

30 A. One member of the public residing in northern Maine; and

31 B. One member representing an organization involved in the protection of the
32 environment; and

33 8. The following members appointed by the Speaker of the House:

34 A. One member of the public residing in western Maine; and

35 B. One member representing business interests in the State.

36 The Speaker of the House shall invite a representative of the United States Department
37 of Energy to serve as a member of the commission.

38 **Sec. 3. Chairs. Resolved:** That the Senate member is the Senate chair and the House
39 of Representatives member is the House chair of the commission.

1 **Sec. 4. Appointments; convening of commission. Resolved:** That all
2 appointments must be made no later than 30 days following the effective date of this
3 resolve. The appointing authorities shall notify the Executive Director of the Legislative
4 Council once all appointments have been completed. After appointment of all members,
5 the chairs shall call and convene the first meeting of the commission. If 30 days or more
6 after the effective date of this resolve a majority of but not all appointments have been
7 made, the chairs may request authority and the Legislative Council may grant authority for
8 the commission to meet and conduct its business.

9 **Sec. 5. Duties. Resolved:** That the commission shall study issues associated with
10 the current limits on mining of critical minerals in the Maine Metallic Mineral Mining Act
11 and, within the context of international climate change, whether mining of such minerals
12 in the State can be accomplished safely with appropriate restrictions. For the purposes of
13 this resolve, "critical mineral" means a metallic or nonmetallic element that is essential for
14 the functioning of modern technologies and to the economic or national security of the
15 State or the Nation and that has a supply chain vulnerable to disruption. In undertaking the
16 study, the commission shall review:

17 1. How other jurisdictions, including other states and countries, identify sites at which
18 mining of critical minerals can be conducted safely and the extent to which environmental
19 protection issues involved in mining of critical minerals could be adequately addressed to
20 ensure long-term public safety if mining of critical minerals is permitted with appropriate
21 safeguards;

22 2. The amount of critical mineral resources currently identified in the State;

23 3. The legal and ethical principles regarding the mining of critical minerals in the State;

24 4. The extent to which critical mineral resources will be needed in the State and the
25 Nation in the future for household, government, business, commercial, security and other
26 purposes;

27 5. The quality of currently available mining methods, including underground and
28 open-pit mining, and processing methods and the need for measures to quantify the ability
29 of companies that mine or process critical minerals to mine or process safely in the State if
30 such mining or processing is permitted;

31 6. The nature and use of natural resource extraction taxes in other states and the
32 advantages and disadvantages of natural resource extraction taxes in the State; and

33 7. The relationship between mining of critical minerals and climate change in the State,
34 including an analysis of what actions other states are taking to address this issue.

35 If the commission finds that environmentally safe mining of critical minerals can be
36 accomplished in the State and that such mining would benefit the State, the commission
37 shall develop recommended legislation to ensure that sustainable extraction of critical
38 minerals is conducted in a way that is clean and safe for the State's residents and will meet
39 the needs of commercial, business and security interests. The commission shall identify
40 the need for additional state resources to implement its recommendations.

41 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
42 necessary staffing services to the commission, except that Legislative Council staff support
43 is not authorized when the Legislature is in regular or special session.

