

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 876

(Transmitted from the Revisor of Statutes under Joint Order)

H. P. 1537 House of Representatives, February 14, 1941.

Referred to Committee on Mines and Mining. Sent up for concurrence and 650 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. McIntire of Phippsburg.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Mines and Minerals.

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

P. L., 1935, c. 153, amended. Chapter 153 of the public laws of 1935 is hereby amended, and the sections renumbered, to read as follows:

'Sec. 54. Mining bureau established. There is established hereby The Maine Mining Bureau which shall consist of 3 members, one each from the state department of agriculture and the forestry department, each of whom shall be appointed by the head of his respective department, and the deputy secretary of state. The state geologist, by virtue of his office, shall be the consultant to said bureau. They shall organize with a chairman and a secretary who shall keep the records of their doings and such data regarding the mines in the state as may be useful.'

'Sec. 54 55. Citizens may prospect for minerals. Any resident of Maine, who is a citizen of the United States, who has secured a license to prospect for minerals may enter upon any public or reserved lands in any unorganized township in this state and prospect thereon for gold, silver or other valuable minerals or metals, being responsible to the state for all

damages done thereon, and shall have the right to go upon and across any privately owned lands when it is necessary to get to such lands.'

'Sec. 55 56. **License; fee.** Any person or corporation desiring to carry on mining operations on land owned by the state shall make application to the bureau, accompanied by a report from the state geologist or from some geologist, or mining engineer in good standing, relating to proposed operations in the location designated, together with the required license fee. A license therefor may be granted by the bureau under such terms and conditions as it may require which shall expire on December 31 of each year; the annual fee therefor shall be \$10. All matters of controversy relative to the procurement of samples, preparation and grading of mine products, the use, care, and safety of explosives in connection with such operations shall be adjusted by the bureau according to the code of mine practice and safety established by the United States bureau of mines.'

'Sec. 56 57. **Mining claim may be located.** Any person who has secured a license as aforesaid who discovers a ~~vein or lode~~ **body of valuable rock or mineral** may locate a lode mining claim thereon, by defining the boundaries of the claim which shall not be more than 1500 feet in length and not more than 600 feet in width, and by erecting at the point of such discovery a location monument showing the extent of the location, the name of the claim, the name of the locator or locators and the date of the location.'

'Sec. 57 58. **Claim to be recorded.** Within 90 days of the date of posting the location notice upon the claim the locator shall record his claim in the registry of deeds in the county in which the claim is situated by location certificate which must contain: 1st, the name of the ~~lode or vein~~ **rock or mineral**; 2nd, the name of the locator or locators; 3rd, the date of the location and such description of the location of said claim, with reference to some natural object or permanent monument as will identify the claim; ~~4th, the number of linear feet claimed in length along the course of the vein each way from the point of discovery and the width on each side of the vein, and the general course of the lode or vein as near as may be;~~ **4th**, the location and description of each corner, with the markings thereon.'

'Sec. 58 59. **Location of claim.** The location or record of any ~~vein or lode~~ claim shall be construed to include all surface ground within the surface lines thereof, and all ~~lodes and ledges~~ ledges throughout their entire depth, ~~the top or apex of which lies inside of such lines extended downward vertically with all parts of such lodes or veins as continue to dip beyond~~

~~the side lines of the claim, but shall not include any portion of such lodes, veins or ledges beyond the end lines of the claim, or beyond the side lines in any other manner than by the dip of the lode.'~~

'Sec. 59 60. Right of possession. The locator of a lode mining claim, to obtain the right of possession must sink a discovery shaft upon the claim located 4x6 feet to depth of at least 10 feet from the lowest part of the rim of such shaft at the surface or depth, if necessary to show by such work a lode deposit of mineral in place.'

'Sec. 60 61. Number of claims, regulated. No person shall locate more than 2 claims on any 1 unorganized township in 1 year.'

'Sec. 61 62. Maintenance of right of possession. The right of possession to a valid mining claim is maintained by the expenditure of at least \$100 annually in labor or improvements of a mining nature on the claim.'

'Sec. 62 62-A. Right of way; owner reimbursed. Any person who has located a mining claim as provided in sections 54 to 61 inclusive, of this chapter shall have the right of way across any lands to and from said location, and the right to take from said public or reserved lands all wood and timber necessary to be used in the operation of the mine by paying to the state or the owner thereof a fair and just price for the same, and shall also be obligated to pay to the state 5% of the net profits derived from the operation of the mine, which shall be used the same as are the proceeds derived from lumber and grass sold from the public or reserved lands. If the parties cannot agree on the damage the award of damage shall be determined by the county commissioners of the county in which the mine is located.

Where required for or in connection with the usual proper working of the mine, the locator thereof may obtain and have vested in him the right to open, construct, put in, maintain and use ditches, tunnels, pipes, conduits, flumes and other works through, over or upon said land for drainage and passage of water, together with right to construct dams in connection with the working of his mine to bring thereto water necessary or convenient for its operation.'