

# MAINE STATE LEGISLATURE

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NEW DRAFT OF H. P. 1537—L. D. 876

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

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**Legislative Document**

**No. 1119**

H. P. 1895

House of Representatives, April 5, 1941.

Reported by Mr. Preble from Committee on Mines and Mining and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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**AN ACT Relating to Mines and Minerals.**

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

**R. S., c. 49, amended.** Sections 54 to 62 of chapter 49 of the revised statutes, as created by chapter 153 of the public laws of 1935, are hereby repealed and the following enacted in place thereof :

**‘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. 55. Citizens may prospect for minerals.** Any citizen of the United States may enter upon any public or reserved lands and prospect thereon for gold, silver or other valuable minerals or metals, being responsible to the state for all damage 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. 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, preparations and grading of mine products, safety and the use and care 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. 57. Mining claim may be located. Any person who has secured a license as aforesaid may locate a mining claim, 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 discovery a location monument showing the extent of the location, the name of the claim, the name of the locator and the date of the location.'

'Sec. 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, a description of the rock or mineral to be mined; 2nd, the name of the locator; 3rd, the date of the location and description of the location of said claim, with reference to such natural object or permanent monument as will identify the claim; 4th, the location and description of each corner, with the markings thereon.'

'Sec. 59. Location of claim. The location or record of any claim shall be construed to include all surface ground within the surface lines thereof, and all ledges throughout their entire depth, but shall not include any portion of such ledges beyond the end and side lines of the claim.'

'Sec. 60. Right of possession. The locator of a mining claim, to obtain the right of possession, must carry out such preliminary exploration as will, in the judgment of the mining bureau, furnish evidence upon which a license to mine may be granted.'

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

'Sec. 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 improvement of a mining nature upon the claim.'

'Sec. 62-A. Right of way; owner reimbursed. Any person who has located a mining claim, as provided in sections 54 to 62, 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 the right to construct dams in connection with the working of his mine to bring thereto water necessary or convenient for its operation.'