

# MAINE STATE LEGISLATURE

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Legislative Document

No. 766

S. P. 276

In Senate, February 17, 1953

Referred to the Committee on Natural Resources, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Butler of Franklin

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-THREE

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AN ACT Amending the Mining Law.

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

**Sec. 1. R. S., c. 36, § 2, repealed and replaced.** Section 2 of chapter 36 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 2. Authority to prospect. Any citizen of the United States may enter upon state-owned land, including lands held in trust, when the trust is such as to be consistent with mineral developmnets, on receipt of a permit from the Maine mining bureau, and may enter upon all unfenced and unimproved land held in private ownership, on written receipt of permission from the owner thereof, for the purpose of prospecting for any valuable minerals and metals. Such written consent shall be recorded in the county where the discovery is made generally in the same form as deeds of real estate under seal and acknowledged and recorded. The said prospectors shall be liable in an action on the case for any and all damages caused to the property by the entry and prospecting. If machinery or explosives are to be used for prospecting on state-owned lands, the methods to be employed and the amount of explosives to be allowed must first be approved by the mining bureau.’

**Sec. 2. R. S., c. 36, § 10, amended.** The 1st paragraph of section 10 of chapter 36 of the revised statutes is hereby amended to read as follows:

**'Sec. 10. Right of ways; owner reimbursed.** Any person who has located a mining claim, as provided in sections 1 to 9, inclusive, shall have the right of way across any lands **owned or controlled by the state** to and from said location, and the right to take from said public reserved lots 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 reserved lots. ~~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'~~

**Sec. 3. R. S., c. 36, § 12, repealed.** Section 12 of chapter 36 of the revised statutes, as enacted by section 3 of chapter 298 of the public laws of 1951, is hereby repealed.

**Sec. 4. R. S., c. 36, § 13, renumbered.** Section 13 of chapter 36 of the revised statutes, as enacted by section 3 of chapter 298 of the public laws of 1951, is hereby renumbered to be section 12.

**Sec. 5. R. S., c. 36, § 14, renumbered.** Section 14 of chapter 36 of the revised statutes, as enacted by section 3 of chapter 298 of the public laws of 1951, is hereby renumbered to be section 13.