

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1301**

H. P. 1110

House of Representatives, March 15, 1955

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

HARVEY R. PEASE, Clerk

Presented by Mr. Greene of Belfast.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Relating to Mineral Exploration.**

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

**R. S., c. 40, §§ 15 to 17, additional.** Chapter 40 of the revised statutes is hereby amended by adding thereto 3 new sections, to be numbered 15, 16 and 17, to read as follows:

**‘Mineral Exploration.**

**Sec. 15. License.** Any person who desires to hunt for mineral or ore upon the land of another may do so upon the payment of \$10 annually to the Maine Mining Bureau for a license.

**Sec. 16. Powers and duties.** A licensed prospector shall have the right to enter upon anyone’s land anywhere in the State, which has not been cultivated or cropped, including hay, for 2 years; but he is not to stake any claim in built up sections nearer than 500 feet, or nearer than  $\frac{1}{2}$  mile of the built up section of any municipality of 500 inhabitants or more, and not in national parks.

No prospector shall stake out a claim within 300 feet of a previously staked claim in any direction. The 4 corners shall be staked wherever possible, but may run on a curve in between where the vein proves not straight. No claim is to be staked without at least 2 stakes, where mountains make more impossible.

No claim is to come within 300 feet of a cemetery or occupied home or 200 feet of an unoccupied home, unless peacefully permitted in case of unoccupancy.

Any citizen of the United States shall have the right to prospect for himself or in the employ of others, provided he has a license, regardless of whether he

is an amateur or professional. Any Canadian, who has proper papers to be in this State, shall enjoy the same privilege to prospect here as Maine citizens may enjoy in his Canadian province.

A prospector who enters upon the land of another for the purpose of prospecting shall strictly refrain from smoking or building of fires, unless the ground is wet, and he who disobeys this rule or leaves campfires burning shall forfeit his license for a period of 10 years and, if he causes a fire, he shall be denied the right to prospect forever. A copy of the provisions of this section shall accompany the license.

Sec. 17. Claims; prospecting; abandoned mines. A prospector may stake a claim the same day of discovery by marking trees if available; if only 2 stakes or trees, with name, date, approximate width and length, with direction of vein. He shall have the right to correct or change same within 30 days with 4 red stakes at least 6 inches in diameter at small end and with black lettering showing name, date of discovery, length, width and direction of claim, stakes to be set 3 feet in ground, when possible, or the marking may be placed upon trees only.

After the stakes are set the 2nd time, it shall be unlawful to change them. If the operator finds the deposit is larger than he first estimated, he may stake another claim.

A claim will be accepted by the Maine Mining Bureau for the sum of \$25 when proven to their satisfaction that it contains mineral, whether rich or poor. Finally, it shall be recorded in the registry of deeds of the county where the claim is located and in a separate volume maintained and kept for the recording of mining claims only.

All claims must be recorded in the proper registry of deeds within at least 10 days after the final stakes for the boundaries have been placed.

A location or claim is not valid until an actual discovery of mineral is made within the limits thereof, and so proven to the satisfaction of the Maine Mining Bureau, regardless of whether rich or poor.

To avoid any misunderstanding, it shall be necessary for a landowner, if he makes the find himself of a deposit of ore upon his own land, to stake the claim and to register it with the Maine Mining Bureau, and to conform to all the rules regarding a prospector or mine operator as though he did not own the land. Otherwise, it shall be open for prospecting and staking by others.

The owner of land shall be paid \$40 per acre or fraction thereof. If there is pulpwood or lumber standing thereon, the owner shall hold the same to be cut upon his specifications by the mine operator when necessary and the expense shall be borne by the operator. The operator shall convey the logs or wood from the land to be mined, but not at a distance to exceed  $\frac{1}{2}$  mile, stacked in a reasonable location. Mine operators shall have the right to establish private railroads or highways for trucks and automobiles over land of others upon condition they pay reasonable land damage.

Mine operators shall have the right to construct and maintain waterways and pipe lines across the land of others, but shall pay the owner for same on a yearly

rental basis agreed upon by landowner and mine operator peacefully or by 3 disinterested persons, the third being appointed by the other two. It is also agreed that wherever pipe lines are constructed across land of others, they shall be removed when use is discontinued, unless otherwise agreed with the landowner.

Lode or vein locations shall be staked so as not to be in excess of 300 feet on each side of the middle of the vein and not over 2,000 feet in length. When necessary to acquire a larger or longer tract, it shall be treated as two or more separate claims.

Staking and operation of any mine shall not interfere with water storage basins, pollution of any water so as to endanger the lives of any people or present water-power dam projects, and shall not conflict with national mining laws.

Preparatory work to core drilling or prospecting a mine claim must be started within 30 days after recording a claim and at least \$100 spent each year thereafter; otherwise, forfeiture of the claim shall become absolute without legal action.

Where more than one claim is located adjoining each other, the total assessment work of \$100 for each claim may, at the discretion of the prospector or mine operator, all be spent on one claim.

Each town where a claim is located shall have the right to tax buildings built thereon or mining equipment, but a yearly assessment of \$50 shall be paid to the Maine Mining Bureau on each claim, regardless of the value or kind of ore therein, only when production starts and shall cease when production ceases for any calendar year.

Ownership of any mine, upon which ownership is lost by the prospector or operator, shall revert back to the original landowner if he so desires. After 30 days' notice by the Maine Mining Bureau of abandonment, if the original owner does not accept, it shall become the property of the State of Maine and again be subject to prospecting.

Hired prospectors may stake claims for others, but each claim shall be subject to the same laws and assessments as privately owned, and any mine holder or operator shall have free right to convey the same to others subject to the same rules laid down herein.

A mine operator may ask for and obtain a patent on an active mine, but said patent shall become null and void if the mine becomes inactive for a period of over 5 years.

Anyone who, with intent of malice, changes location or destroys mine stakes shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not less than one nor more than 5 years, or by both such fine and imprisonment.

The provisions of section 16 and this section shall not apply to non-metallic mineral such as limestone, slate, granite, marble and so forth.

When a mine becomes abandoned, it shall either be filled or permanently fenced.'