

MAINE STATE LEGISLATURE

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

Legislative Document

No. 739

S. P. 277

In Senate, February 17, 1959

Referred to Committee on Natural Resources. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Briggs of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT to Clarify the Maine Mining Law.

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

Sec. 1. R. S., c. 39-B, § 1, repealed and replaced. Section 1 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is repealed and the following enacted in place thereof :

‘Sec. 1. Mining Bureau established. The Maine Mining Bureau, as heretofore established, shall consist of 5 members, one each from the State Departments of Agriculture, Forestry, State and Economic Development, each of whom shall be appointed by the head of his respective department, plus the State Geologist. 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. The jurisdiction of the bureau shall be confined to land owned or held in trust by the State.’

Sec. 2. R. S., c. 39-B, § 3, repealed and replaced. Section 3 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is repealed and the following enacted in place thereof :

‘Sec. 3. Location of claim and maintenance of right of possession. Any person or corporation who has secured a prospector’s permit may locate one or more claims by defining the boundary lines of the claim or claims. No claim shall be greater than 1,500 feet in length by 600 feet in width. The location or record of any claim shall be construed to include all surface found within the surface boundary lines thereof and all ledges throughout their entire vertical

depth, but shall not include any portion of such ledges beyond the end and side lines of such claim, or timber and grass on such claim. As nearly as circumstances will permit, a claim shall be staked out in the following manner; namely

I. By erecting a post at each of the 4 corners of the claim and numbering the posts consecutively, 1 through 4, beginning in the most northeasterly corner and proceeding about the claim in a clockwise direction. Every post shall stand not less than 4 feet above the ground and shall be not less than 4 inches in diameter.

II. By writing or placing on post #1, the name of the locator, the number of his prospector's permit, the date of staking, and, if the claim is staked on behalf of another person, also the name of the other person and the number of his prospector's permit.

III. By writing or placing on posts #2, #3 and #4, the name of the locator, and if the claim is staked for another person, his name.

IV. By plainly marking the trees with paint and by trimming the underbrush along the boundary lines of the claim to indicate clearly the outlines of the claim; where there are no trees or underbrush, by piling stones or placing pickets at reasonable intervals along the boundary lines of the claim.

V. By establishing post or buoy markers to witness claim corners which fall in a body of water, or by placing posts on dry land and marking thereon exact distances and directions to over-water claim corners.

Any person or corporation who has located and recorded any claim or claims shall, subject to the provisions of this chapter, have the right of possession of the premises covered by said claim or claims, for the purpose of conducting thereon mining operations and shall own any minerals or metals found therein except water, sand and gravel, and shall have the right to remove the same, and shall have the right to use such water, sand and gravel found on said premises for mining and processing operations. Such rights of possession and such ownership shall be alienable in the same manner as real estate. The claim shall in no way interfere with harvesting timber or leasing campsite lots until actual mining operations are being carried on.'

Sec. 3. R. S., c. 39-B, § 4, repealed and replaced. Section 4 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is repealed and the following enacted in place thereof:

'Sec. 4. Claim to be recorded. No person or corporation shall have the right of possession of any claim or claims until such claim or claims shall have been recorded with the Mining Bureau, which record shall contain:

I. The name of the locator;

II. A general description of the minerals or metals sought;

III. 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;

IV. The locations and description of each corner, with the markings thereon;

V. An outline sketch or plan of the claim showing with reasonable accuracy, claim corners, witness points and prominent natural objects or permanent structural features, so that the claim may be located on the ground by members of the Mining Bureau or their representatives;

VI. The fee for recording, renewing or transferring a claim is \$2;

VII. A claim shall be in effect until December 31st following the date of recording, and shall be extended for further 12-month periods, not exceeding 4 in number, upon application to the Mining Bureau on or before December 31st and upon payment of a like fee as paid when the claim was recorded, and upon filing an affidavit that during the period about to expire investigatory work has been performed on the claim to the extent of not less than 200 manhours or \$500 worth of work. Where the holder of the claim has 2 or more contiguous claims, the required amount of work for all the claims may be performed on one or more of said contiguous claims, or the required amount of work for one or more of said contiguous claims may be fulfilled by work done on all or any of the contiguous claims. The work done shall be described in the affidavit and shall include only work which tends to reveal such characteristics of the material sought as length, width, depth, thickness, tonnage and mineral or metal content. If the date of recording a claim is after the 30th day of September in any year, the bureau shall extend such claim until the 31st day of December of the next ensuing year without requiring such affidavit, upon payment by the locator of the required renewal fee.

VIII. The failure to comply with any of the requirements for renewing claims under subsection VII shall operate as a forfeiture of said claim or claims. Written notice of such forfeiture shall be sent by registered or certified mail to claimant's last known address. Any claimant who is aggrieved may file a written petition for a hearing before the Maine Mining Bureau within 14 days after notice of forfeiture has been given. If the petition for a hearing is filed with the bureau within said 14-day period, the bureau shall within 30 days grant a hearing on the forfeiture and give the claimant 10 days' notice of the time and place thereof. For good cause, the bureau may extend the time for filing such petition.

If any claimant is aggrieved by the decision of the bureau resulting from the hearing, he may within 30 days thereafter appeal to any Justice of the Superior Court, by presenting to him a petition therefor, in term time or vacation. Such justice shall fix a time and place for hearing, which may be in vacation and cause notice thereof to be given to the Maine Mining Bureau; and after hearing, such justice may affirm or reverse the decision of the bureau and the decision of such justice shall be final. During the pendency of all proceedings under this section no person or corporation shall lay claim to the area in dispute.

IX. No claim may be held through authority of the prospector's permit for a period of more than 5 years from the initial date of recording, unless such occurs prior to August 28, 1957, in which case date of recording is construed to mean August 28, 1957. By the end of the 5-year period, any title to the claim will lapse unless the right to the claim has been established under the

terms of section 5. Upon lapse or upon filing of notice of abandonment of a claim, no person or corporation holding the claim immediately prior to date of lapse or abandonment or his representative may relocate on the same area for a period of 60 days.

X. Any person or corporation with a recorded claim or contiguous claims may make application to the Mining Bureau for a ruling as to whether operations can be carried on consistent with any prior or proposed other use by the State or any agency or instrumentality thereof. Such ruling shall be made within 90 days of the date of such application and when obtained shall be binding and irrevocable.'

Sec. 4. R. S., c. 39-B, § 5, sub-§ II, amended. Subsection II of section 5 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is amended by inserting after the first sentence a new sentence to read as follows:

'All royalty payments in excess of the maximum rental charges shall be paid as hereinbefore stated.'

Sec. 5. R. S., c. 39-B, § 9, amended. The first sentence of section 9 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is repealed as follows:

~~'Whenever it is discovered that a vein or lode or other valuable mineral deposit in a mine being worked continues from under the land to under water, where the title to the land underneath the water is in the State, the owner or owners of the mine shall have the sole right to claim mineral rights and to follow the mineral deposit, and to conduct such operations as are necessary to develop and mine the said continuation of the mineral deposit.'~~

Sec. 6. R. S., c. 39-B, § 9, amended. The 2nd sentence of section 9 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, is repealed and the following enacted in place thereof:

'The same royalty as provided in section 5 shall be paid to the State on all mineral or metal commodities produced from mineral deposits situate beneath bodies of water, where the title to the land beneath the water is in the State, but no annual rental charges as specified in section 5 shall apply to such areas covered by water.'

Sec. 7. R. S., c. 39-B, § 11, amended. The first 2 sentences of section 11 of chapter 39-B of the Revised Statutes, as enacted by section 2 of chapter 293 of the public laws of 1957, are further amended to read as follows:

~~'In the event that any prospector, claimant, licensee or lessee fails to comply with violates any of the provisions of this chapter or any rule or regulation of the Mining Bureau, the bureau shall notify such prospector, claimant, licensee or lessee, as the case may be, of such alleged failure to comply violation, and of the nature of such alleged failure to so comply violation, by sending such notice by registered or certified mail to him at his last known address. If such failure to so comply violation is not remedied within 30 days after the date of mailing such notice, the permit, claim, license or lease of such violator in existence at the time of such violation shall be liable to forfeiture.'~~