

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

# STATE OF MAINE

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

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ally to the person engaged in the budget planning, who shall distribute the same among certain specified creditors in accordance with a plan agreed upon.

Sec. 53. Penalty. Whoever, either individually or as the officer or employee of any person, corporation or association, violates any of the provisions of section 51 shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.'

Effective August 20, 1955

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## Chapter 409

### AN ACT Amending the Mining Law.

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

Sec. 1. R. S., c. 39-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 39-A, to read as follows:

#### 'CHAPTER 39-A.

##### Maine Mining Bureau.

Sec. 1. Mining bureau established. The Maine Mining Bureau, as heretofore established, shall consist of 5 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, the Deputy Secretary of State, the State Geologist and the Commissioner of the Department of Development of Industry and Commerce or such member of the staff or of his Advisory Board as he may designate. 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. Authority to prospect. Any person over 18 years of age or any corporation may enter upon state-owned land, including lands held in trust, when the trust is such as to be consistent with mineral developments, on receipt of a permit from the Maine Mining Bureau for the purpose of prospecting for any valuable minerals and metals, except water, sand and gravel. 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. 3. Location of claim and maintenance of right of possession. 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 1,500 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. 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 or timber and grass on the claim. The claim shall in no way interfere with harvesting timber until actual mining operations are being carried on. 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. No person shall locate more than 3 claims in any one unorganized township in 1 year.

Sec. 4. Claim to be recorded. Within 30 days of the date of posting the location notice upon the claim, the locator shall record his claim with the State Land Agent which must contain:

I. A description of the rock or mineral to be mined;

II. The name of the locator;

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 location and description of each corner, with the markings thereon.

Sec. 5. License; fee. Any person or corporation with a recorded claim in accordance with section 4 may 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 \$25 and may be renewed on expiration providing the licensee satisfies the Bureau that he has complied with the law relating to expenditures as follows: after a claim has been recorded for 1 year, no license shall be issued or renewed until the claim holder satisfies the Bureau that he has expended at least \$200 on the claim in labor or improvements of a mining nature during the preceding 1-year period. Licenses shall not be granted for the second and subsequent years after the claim is recorded unless the Bureau is satisfied that the applicant has expended at least \$200 for improvements or development of a mining nature during the previous year. Failure to comply with the provisions of this section shall result in a forfeiture of the claim and in case of forfeiture, the Bureau shall cause an appropriate entry to be made on the records of the State Land Agent. All matters of controversy relative to the procurement of samples, preparation 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. 6. Rights of way. Any person who has located a mining claim and has been issued a license in accordance with section 5, 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 of the right to cut timber and grass, a fair and just price for the same. The Bureau may issue a permit to the holder of a license giving him authority 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, provided same flow no land of others, in connection with the working of his mine to bring thereto water necessary or convenient for its operation with such conditions and restrictions as the Bureau may impose.

Sec. 7. Mining under water. Whenever it is discovered that a vein or lode in a mine 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 right to follow the vein or lode, and claim the property rights thereto, and to conduct such operations as are necessary to develop and mine the said continuation of the vein or lode.

Sec. 8. Annual reports. Any person, firm or corporation engaged in mining operations in accordance with this chapter shall file an annual report with the Mining Bureau in the month of January following the year such operation was permitted, setting forth the location of the operation and the kinds, grades and amounts of materials removed.'

Sec. 2. R. S., c. 40, repealed. Chapter 40 of the revised statutes is hereby repealed.

Effective August 20, 1955

## Chapter 410

### AN ACT Relating to Taxation of Telephone and Telegraph Companies.

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

Sec. 1. R. S., c. 16, § 125, amended. The last sentence of section 125 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Such corporation, association or person shall also annually, between the 1st and 15th days of April, return to the State Tax Assessor, signed by its treasurer or its chief accounting officer if a corporation, or by the owner or owners, or by the members of an association or one of them, if a person or association, a statement of the ~~gross receipts~~ total gross operating revenues of such corporation, association or person collected from its or his operations within this State ~~on account of its telephone and telegraph business~~ during the preceding year ending December 31st.'

Sec. 2. R. S., c. 16, § 128, amended. Section 128 of chapter 16 of the revised statutes is hereby amended to read as follows:

'Sec. 128. Computation of tax. The amount of the annual excise tax on telephone and telegraph companies shall be ascertained as follows: when the ~~gross receipts~~ total gross operating revenues of such corporation, association or person collected from its or his operations within this State ~~on account of its telephone or telegraph business~~ during the calendar year preceding the year for which the tax is assessed on such corporation, association or person exceed \$1,000 and do not exceed \$5,000, the tax shall be 1¼% of such ~~gross receipts~~ total gross operating revenues; when such ~~gross receipts~~ total gross operating revenues exceed \$5,000 and do not exceed \$10,000, the tax shall be 1½% of such ~~gross receipts~~ total gross operating revenues; when such ~~gross receipts~~ total gross operating revenues exceed \$10,000 and do not exceed \$20,000, the tax shall be 1¾% of such ~~gross receipts~~ total gross operating revenues; when such ~~gross receipts~~ total gross operating revenues exceed \$20,000 and do not exceed \$40,000, the tax shall be 2% of such ~~gross receipts~~ total gross operating revenues; and so on, increasing the rate of tax ¼% of 1% for each additional \$20,000 or fractional part thereof, of such ~~gross receipts~~ total gross operating revenues, provided that the rate shall in no event exceed ~~6%~~ 7% of such ~~gross receipts~~ total gross operating revenues.'

Effective August 20, 1955