

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Second Legislature
AT THE
SPECIAL SESSION
January 17 - February 9, 1966

Act shall take effect for all the purposes hereof at the annual meeting in March, 1966; provided that the total number of votes cast for and against the acceptance of sections 4 to 6 of this Act at said meeting equaled or exceeded 50% of the total number of the qualified voters within said territory.

The result of the vote shall be declared by the board of assessors of the Plantation of St. Francis, and due certificate shall be filed by the plantation clerk with the Secretary of State.

Approved January 31, 1966

Chapter 243

AN ACT Relating to Mining Activity Under Goose Falls Pond, Town of Brooksville, Hancock County.

Preamble.

Whereas, the development of the State's resources and the growth of its economy are and will continue to be of vital importance and concern to the people of Maine; and

Whereas, the State has adopted a program for the exploration of state-owned lands and for the development of mineral deposits found thereon and has encouraged mining companies to engage in such projects on state-owned lands; and

Whereas, exploration carried on in the area of the Town of Brooksville, Hancock County indicates the presence of a mineral deposit within state-owned lands beneath the waters of a certain tidal estuary commonly called Goose Falls Pond; and

Whereas, the realization of a mining operation in said area will not only permit recovery of minerals from state-owned lands and produce royalty income for the State, but, in addition, will provide employment, business opportunities, income and other revenue to the people of Hancock County and the State of Maine; and

Whereas, it appears that the presence of water in the aforesaid tidal estuary precludes the performance of feasible mining operations on the aforesaid mineral deposit and that said deposit can be developed only by temporarily draining the water therefrom; and

Whereas, it further appears that the presence of water in the aforesaid tidal estuary is not of significant interest to the State as concerns navigation or fisheries and that the use of said state-owned lands for mining operations is consistent with any prior or proposed use by the State; and

Whereas, it further appears that the proposed mining operation will not adversely affect the preservation or development of wildlife in the area and that it may as planned provide a better environment and improved habitat for same; and

Whereas, it further appears, that the proposed draining of the aforesaid tidal estuary and the mining operations will not present or create a water pollution problem in the aforesaid area; and

Whereas, it further appears that present law does not authorize the diversion and draining of the aforesaid tidal estuary for the development of mineral deposits on said state-owned land and that there is a need of legislation for this purpose; wherefore

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

Sec. 1. Public use. The development, mining and removing of minerals from land owned by the State of Maine located beneath the waters of a certain tidal estuary commonly called Goose Falls Pond in the Town of Brooksville, Hancock County, is of public interest to the State, and the use of such land for the mining and removing of minerals and for operations incidental thereto is declared to be a public use.

Sec. 2. Pond drainage. The Maine Mining Bureau or the holder of a mining lease therefrom, or his or its assigns, is authorized as follows:

1. **Construct and maintain.** To construct and maintain on the aforesaid state-owned lands one or more dams to exclude and divert tidal water and fresh water from the aforesaid tidal estuary.

2. **Drain.** To drain or otherwise remove the water from the aforesaid tidal estuary.

3. **Return of water upon termination.** To return the water to the aforesaid tidal estuary upon termination of mining, removing of minerals and operations incidental thereto.

Sec. 3. Riparian rights. The Maine Mining Bureau shall have the right to take and hold, for the period during which the aforesaid tidal estuary is wholly or partially drained, such riparian rights as may be required for the damming and draining of the aforesaid tidal estuary, and shall pay just compensation therefor.

The proceedings for taking such riparian rights and for determination of compensation, payable to the owners of such rights shall be had in accordance with the Revised Statutes, Title 35, sections 3241 to 3252.

Effective May 11, 1966

Chapter 244

AN ACT to Authorize the Issuance of Bonds in the Amount of Two Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Construct an Office Building for the State Highway Commission.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine for the purpose of constructing an office building for the State Highway Commission.