

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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## CHAPTER 214

H. P. 1001 — L. D. 1247

### AN ACT Relating to Mining on State Lands.

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

**Sec. 1.** 12 MRSA § 547, sub-§ 4, ¶ G, 4th sentence, as enacted by PL 1977, c. 360, § 7, is amended to read:

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 or, with respect to nonmetallic minerals, other physical characteristics of the deposit relating directly to the commercial exploitation thereof.

**Sec. 2.** 12 MRSA § 547, sub-§ 6, ¶ A, 2nd sentence, as enacted by PL 1977, c. 360, § 7, is amended to read:

Such application shall ~~include~~ be accompanied by a report from a certified geologist or mining engineer ~~describing the proposed mining operations containing all information of a geologic, engineering and operational nature which is required by the survey to properly evaluate the application,~~ an accurate survey of the property boundaries certified by a qualified surveyor and evidence of ability to finance the proposed mining operations.

**Sec. 3.** 12 MRSA § 547, sub-§ 7-A is enacted to read:

**7-A. Common and undivided interests.** The director, acting jointly with the Director of the Bureau of Public Lands, may by regulation establish procedures for the filing of claims and issuance of permits, licenses and leases covering state-owned public lands, including public reserved lands, which are comprised of state-owned common and undivided interests. The regulations may condition the filing of a claim and the issuance of a permit, license or lease upon the consent of a majority of the private common and undivided ownership of the parcel of land to which the claim, permit, license or lease relates. Where the State owns a minority interest in such a parcel, the royalty rate set for the state-owned minority interest shall reasonably relate to royalty rates generally prevailing or applicable to the privately owned majority interest and any partition occasioned by a negative ruling under subsection 5, shall be conducted with reasonable expedition. Any permit, license or lease issued under this section shall extend only to the common and undivided interest of the State. In any partition or location of public reserved land, the Bureau of Public Lands is authorized to accept a partition of the surface estate and to continue as a cotenant in all or a portion of the mineral estate.

Sec. 4. 30 MRSA § 4162, sub-§ 4, ¶ F, as last amended by PL 1977, c. 360, § 34, is repealed.

Effective September 14, 1979

## CHAPTER 215

H. P. 1123 — L. D. 1393

**AN ACT to Clarify Transfers from County Jails to the Correctional Facilities.**

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

34 MRSA § 1046, as amended by PL 1975, c. 453, § 1, is further amended to read:

### **§ 1046. Transfer of prisoners when jail unfit or insecure**

Whenever complaint on oath is made to a Justice of the Superior Court that any jail is unfit for occupation or is insufficient for the secure keeping of any person charged with crime and committed to await trial or under sentence, he shall cause not less than 3 days' notice of such complaint to be given to the jailer or sheriff of the county **and to the warden or superintendent of the state correctional facility if transfer to a state facility is anticipated**, to appear at the time and place fixed in such notice. If on examination the matter complained of is found true, **and the proposed transfer is to a county jail**, he may issue his warrant for the transfer of such prisoner at the expense of said county to any jail ~~or other place of confinement where he may be more securely kept~~. **If the complaint is found true and the proposed transfer is to a state correctional facility, the Justice of the Superior Court may issue a warrant for the transfer of the prisoner at the expense of the county to a state correctional facility, provided that he also finds that the transfer is for the good of the inmate, the receiving institution is able to resolve the problem causing the need to transfer, the nature of the offense committed by the prisoner is so severe that it requires sending to the receiving institution and the security of the sending facility is inadequate to handle the problem.** If by fire or other casualty any jail is destroyed or rendered unfit for use, any Justice of the Superior Court may, upon being notified by the district attorney of the county where such jail was or is located, issue his order to the sheriff and his deputies and constables of said county to cause all prisoners who might be liable to imprisonment in said county to be imprisoned in the jail of some adjoining county or in any other place of confinement, said order to be printed in the newspapers of said county.

Effective September 14, 1979