

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT
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VOLUME I



By the Authority of the Legislature

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the agricultural products of the state, and advertising and promoting the sea and shore fishing products of the state. The commission shall also be empowered to carry on research in relation to the agricultural, industrial, recreational, and natural resources of the state. The commission shall arrange for, authorize, and supervise the expenditure of all money appropriated under the provisions of this section and shall have full authority to execute contracts for the preparation, publication, dissemination, and furnishing of information incidental to the purposes of this chapter. The members of the commission may be recompensed for their expenses incurred in the performance of their duties, but shall not receive any salary. Expenditures authorized by the provisions of this chapter shall be paid for only on vouchers approved by the commission and the state controller.

See 1943, c. 353, re duties regarding post war planning; c. 14, §§ 215, 216, re use of money received from tax on potatoes.

Sec. 3. Unexpended balances. 1933, c. 209, § 3. 1935, c. 190, § 1. 1943, c. 338, § 4. After providing a reserve of \$50,000 for promotional advertising from accumulated unexpended balances, all additional unexpended balances at the end of any fiscal year shall be lapsed.

Sec. 4. Employment and duties of state geologist; appropriation. R. S. c. 49, §§ 49, 50, 51, 52, 53. 1931, c. 250. 1937, cc. 156, 221. 1943, c. 338, §§ 3, 4. The Maine development commission shall employ a state geologist to serve at the pleasure of the commission. The commission shall also employ such assistants as are deemed necessary, subject to the provisions of the personnel law. The state geologist and such assistants shall perform such duties as shall be required of them by law or assigned to them by the commission.

See 1937, c. 157, re Maine state planning board and transfer of equipment to Maine development commission; c. 36, § 1, re Maine mining bureau.

CHAPTER 36.

MAINE MINING BUREAU.

Sec. 1. Mining bureau established. 1941, c. 242. The Maine mining bureau, as heretofore established, shall consist of 3 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, and the deputy secretary of state. 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.

Sec. 2. Citizens may prospect for minerals. 1935, c. 153. 1941, c. 242. Any citizen of the United States may enter upon any public reserved lots and prospect thereon for gold, silver, or other valuable minerals or metals, being responsible to the state for all damage done thereon, and shall have the right to go upon and across any privately owned lands when it is necessary to get to such lands.

Sec. 3. License; fee. 1935, c. 153. 1941, c. 242. Any person or corporation desiring to carry on mining operations on land owned by the state shall 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 \$10. 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. 4. Mining claim may be located. 1935, c. 153. 1941, c. 242. 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.

Sec. 5. Claim to be recorded. 1935, c. 153. 1941, c. 242. Within 90 days of the date of posting the location notice upon the claim, the locator shall record his claim in the registry of deeds in the county in which the claim is situated by location certificate, 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. 6. Location of claim. 1935, c. 153. 1941, c. 242. 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.

Sec. 7. Right of possession. 1935, c. 153. 1941, c. 242. 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.

Sec. 8. Number of claims, regulated. 1935, c. 153. 1941, c. 242. No person shall locate more than two claims on any one unorganized township in one year.

Sec. 9. Maintenance of right of possession. 1935, c. 153. 1941, c. 242. The right of possession to a valid mining claim is maintained by the expenditure of at least \$100 annually in labor or improvement of a mining nature upon the claim.

Sec. 10. Right of way; owner reimbursed. 1935, c. 153. 1941, c. 242. Any person who has located a mining claim, as provided in sections 1 to 9, inclusive, shall have the right of way across any lands 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 thereof a fair and just price for the same; and shall also be obligated to pay to the state 5% of the net profits derived from the operation of the mine, which shall be used the same as are the proceeds derived from lumber and grass sold from the public reserved lots. If the parties cannot agree on the damage, the award of damage

shall be determined by the county commissioners of the county in which the mine is located.

Where required for or in connection with the usual proper working of the mine, the locator thereof may obtain and have vested in him the right 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 in connection with the working of his mine to bring thereto water necessary or convenient for its operation.

See c. 32, § 38, re proceeds from timber, etc., on public reserved lots.

Sec. 11. Mining under water. 1939, c. 304. 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, and shall be obligated to pay to the state 5% of the net profits derived from the operation of that portion of the vein or lode that is in the land owned by the state.