

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

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FIRST ANNOTATED REVISION

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IN FIVE VOLUMES

VOLUME 2



THE MICHIE COMPANY, Inc.  
CHARLOTTESVILLE, VIRGINIA

## Chapter 40.

### Maine Mining Bureau.

**Sec. 1. Mining bureau.**—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 executive director of the Maine development commission and 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. (R. S. c. 36, § 1. 1951, c. 298, § 1.)

**Sec. 2. Citizens may prospect for minerals.**—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. (R. S. c. 36, § 2.)

**Sec. 3. License; fee.**—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. (R. S. c. 36, § 3.)

**Sec. 4. Mining claim located.**—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. (R. S. c. 36, § 4.)

**Sec. 5. Claim recorded.**—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.
- (R. S. c. 36, § 5.)

**Sec. 6. Location of claim.**—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. The claim shall in no way interfere with harvesting timber until actual mining operations are being carried on. (R. S. c. 36, § 6. 1951, c. 298, § 2.)

**Sec. 7. Right of possession.**—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. (R. S. c. 36, § 7.)

**Sec. 8. Number of claims.**—No person shall locate more than 2 claims on any 1 unorganized township in 1 year. (R. S. c. 36, § 8.)

**Sec. 9. Maintenance of right of possession.**—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. (R. S. c. 36, § 9.)

**Sec. 10. Rights-of-way; owner reimbursed.**—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. (R. S. c. 36, § 10.)

See c. 36, § 53, re proceeds from timber etc., on public reserved lots

**Sec. 11. 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, 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. (R. S. c. 36, § 11.)

**Sec. 12. Authority to prospect.**—Any citizen of the state 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, and may enter upon all unfenced and unimproved land held in private ownership, on written receipt of permission from the owner thereof, for the purpose of prospecting for any valuable minerals and metals. Such written consent shall be recorded in the county where the discovery is made, generally in the same form as deeds of real estate under seal and acknowledged and recorded. The said prospectors shall be liable in an action on the case for any and all damages caused to the property by the entry and prospecting. (1951, c. 298, § 3.)

**Sec. 13. Discovery of a deposit.**—Within 30 days after discovery of any deposits, the prospector shall give written notice thereof to the Maine mining bureau, describing particularly the nature and situation of the deposit and the date

of discovery, and shall also record the discovery in the manner provided in section 5 for recording claims in the registry of deeds in the county where the discovery was made. After giving such notices and making the recording, the prospector shall notify the owner of the land. (1951, c. 298, § 3. 1953, c. 308, § 59.)

**Sec. 14. Prospector to have vested interest.**—The discovery of a deposit, and the filing and recording and giving notice, as required by section 13, shall vest in the prospector, his heirs and assigns an interest in the deposits to the extent of 5%, unless otherwise agreed, of the net profits derived by any person, firm or corporation who shall mine the deposit. This claim shall expire in 20 years from the date of filing of claim unless a new agreement is made. (1951, c. 298, § 3.)