



131st MAINE LEGISLATURE

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Legislative Document

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H.P. 877

House of Representatives, March 28, 2023

**An Act to Support Extraction of Common Minerals by Amending
the Maine Metallic Mineral Mining Act**

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LANDRY of Farmington.
Cosponsored by Senator BRENNER of Cumberland and
Representatives: FAULKINGHAM of Winter Harbor, JAVNER of Chester, O'CONNELL of
Brewer, PERRY of Bangor, SOBOLESKI of Phillips, THERIAULT of Fort Kent, ZEIGLER
of Montville, Senator: FARRIN of Somerset.

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

2 **Sec. 1. 38 MRSA §490-MM, sub-§3-A** is enacted to read:

3 **3-A. Cement.** "Cement" means any of various calcined mixtures of clay and
4 limestone, which can be mixed with water and used as an ingredient in making mortar or
5 concrete.

6 **Sec. 2. 38 MRSA §490-MM, sub-§8,** as enacted by PL 2011, c. 653, §23 and
7 affected by §33, is amended to read:

8 **8. Metallic mineral.** "Metallic mineral" means any mineral, ore or excavated material
9 to be excavated from the natural deposits on or in the earth for its metallic mineral content
10 to be used for commercial or industrial purposes. "Metallic mineral" does not include
11 thorium or uranium that has metal or a metalloid element as its economically valuable
12 constituent, regardless of the chemical end product of the metal or metalloid element.

13 **Sec. 3. 38 MRSA §490-MM, sub-§11,** as enacted by PL 2011, c. 653, §23 and
14 affected by §33, is amended to read:

15 **11. Mining.** "Mining," "mining operation" or "mining activity" means activities,
16 facilities or processes necessary for the extraction or removal of metallic minerals or
17 overburden or for the preparation, washing, cleaning or other treatment of metallic minerals
18 and includes the bulk sampling, advanced exploration, extraction or beneficiation of
19 metallic minerals as well as waste storage and other stockpiles and reclamation activities,
20 but does not include exploration. "Mining," "mining operation" or "mining activity" does
21 not include calcium carbonate or limestone extraction or beneficiation to produce cement.

22 **Sec. 4. 38 MRSA §490-OO, sub-§4, ¶D,** as amended by PL 2017, c. 142, §7, is
23 further amended by amending the first blocked paragraph to read:

24 In determining compliance with this standard, the department shall require
25 groundwater monitoring consistent with the standards established pursuant to section
26 490-QQ, subsection 3, except that facilities that crush and mechanically sort material
27 excavated from an open-pit mining operation that has a permit in good standing under
28 this article are exempt from the requirements of section 490-QQ as long as the crushing,
29 sorting, storage, loading and unloading of the material takes place in a building or
30 shelter that prevents rain, snow, snowmelt, ice melt and runoff from commingling with
31 the material.

32 **Sec. 5. 38 MRSA §490-OO, sub-§4, ¶O,** as enacted by PL 2017, c. 142, §8, is
33 amended to read:

34 O. The mining operation will not use open-pit mining, except that the mining operation
35 may use open-pit mining if the mining operation will only generate mine waste that
36 does not have the potential to create acid rock drainage, alkali rock drainage or metal
37 mine drainage, or does not violate water quality standards other than sedimentation and
38 turbidity.

39 **Sec. 6. 38 MRSA §490-QQ, sub-§4, ¶E** is enacted to read:

40 E. For the reclamation of the open-pit area of an open-pit mining operation:

1 (1) Highwalls or quarry faces must be treated in such a manner as to leave them in
2 a condition that minimizes the possibility of rock falls, slope failures and collapse.
3 A highwall that is loose must be controlled by the use of blasting or scaling, the
4 use of safety benches, the use of flatter slopes or reduced face heights or the use of
5 benching near the top of the face or rounding the edge of the face;

6 (2) Topsoil that is stripped or removed must be stockpiled and stabilized
7 adequately for use in reclaiming disturbed lands appropriately to the approved final
8 land use;

9 (3) Native vegetation appropriate to the approved final land use must be established
10 on all affected land, including safety benches, except for quarry walls and flooded
11 areas;

12 (4) Safe ingress and egress to water bodies must be provided for people and wildlife
13 after reclamation;

14 (5) Intermittent and perennial streams diverted during mining activity must be
15 returned to original channels or, if the original channel has been disturbed or
16 destroyed, to a reconstructed channel having grades, pools, substrate, floodplains
17 and meanders comparable to baseline conditions; and

18 (6) The actively mined, not reclaimed portion of the open pit may not exceed 100
19 acres at any one time.

20 The department shall adopt rules establishing additional standards for the reclamation
21 of the open-pit area of an open-pit mining operation.

22 **SUMMARY**

23 This bill amends the definition of "metallic mineral" in the Maine Metallic Mineral
24 Mining Act. It provides that mining does not include calcium carbonate or limestone
25 extraction or beneficiation to produce cement. It provides that permitted facilities that
26 crush and mechanically sort material excavated from an open-pit mining operation are
27 exempt from the performance, operation and reclamation standards in the Maine Metallic
28 Mineral Mining Act under certain conditions. It allows the use of open-pit mining if certain
29 conditions are met and establishes standards for the reclamation of the open-pit area of an
30 open-pit mining operation.