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## **An Act To Modify the Mining Laws**

### **CONCEPT DRAFT SUMMARY**

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact provisions amending the State's mining laws, including, but not limited to, the following:

1. It would amend the laws regarding mining on state lands under the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 3 to prohibit the issuance of a mining lease under that chapter authorizing mining operations located wholly or partially in, on or under designated lands, state historic sites, state parks, public reserved lands, the Allagash Wilderness Waterway or state-owned wildlife management areas;

2. It would amend the Maine Metallic Mineral Mining Act, referred to in this summary as "the mining act," to prohibit the issuance of a mining permit if any part of a proposed mining operation will be located wholly or partially in, on or under designated lands, state historic sites, state parks, public reserved lands, the Allagash Wilderness Waterway or state-owned wildlife management areas;

3. It would amend the definition of "mining area" under the mining act to clarify that each mining operation or activity must have a defined mining area and it would limit the allowance for groundwater contamination within a mining area under the mining act;

4. It would amend the mining act to prohibit the placement of any mining operation in, on or under a flood plain or a flood hazard area;

5. It would amend the mining act to prohibit the placement of any mining operation in or on a river, stream or brook or in, on or under a great pond or the coastal waters of the State;

6. It would clarify, for the purposes of the mining act, that mining by in situ leaching is prohibited; and

7. It would require an applicant for a permit or a permittee under the mining act to provide special financial assurance coverage for a worst-case mining event or failure, with the amount of the coverage to be determined by the Department of Environmental Protection as based on an independent 3rd-party cost estimate paid for by the applicant. Prior to commencing any mining operation or activity under an approved permit, a permittee would be required to fully fund, with cash or cash equivalents, a trust fund in the amount of this special financial assurance coverage.

The bill also proposes to enact a prohibition on metallic mineral mining in the State and to direct a corresponding repeal of all state agency rules relating to metallic mineral mining contingent upon the failure of the Department of Environmental Protection to finally adopt major substantive rules for metallic mineral mining in the State under the mining act on or before August 1, 2018.