



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

---

Legislative Document

No. 1564

---

H.P. 1009

House of Representatives, April 11, 2023

### **An Act to Eliminate Metallic Mineral Mining Activities Without a Permit**

---

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative MILLIKEN of Blue Hill.  
Cosponsored by Representative: WARREN of Scarborough.

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

2 **Sec. 1. 38 MRSA §490-MM, sub-§1**, as enacted by PL 2011, c. 653, §23 and  
3 affected by §33, is amended to read:

4 **1. Advanced exploration.** "Advanced exploration" means any metallic mineral bulk  
5 sampling or exploratory activity ~~that exceeds those activities that are exploration activities~~  
6 ~~and are as~~ specified in rules adopted by the department. ~~Samples taken as part of~~  
7 ~~exploration are not considered bulk sampling.~~

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

10 **6. Exploration Exploratory activity.** ~~"Exploration" or "exploration "~~"Exploratory  
11 activity" means the following activities ~~when conducted in accordance with rules adopted~~  
12 ~~by the department~~ for the purpose of determining the location, extent and composition of  
13 metallic mineral deposits: test boring, test drilling, hand sampling, the digging of test pits,  
14 trenching or outcrop stripping for the removal of overburden having a maximum surface  
15 opening of 300 square feet per test pit or trench or other test sampling methods determined  
16 by the department to cause minimal disturbance of soil and vegetative cover.

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

19 **11. Mining.** "Mining," "mining operation" or "mining activity" means activities,  
20 facilities or processes necessary for the extraction or removal of metallic minerals or  
21 overburden or for the preparation, washing, cleaning or other treatment of metallic minerals  
22 and includes the bulk sampling, advanced exploration, extraction or beneficiation of  
23 metallic minerals as well as waste storage and other stockpiles and reclamation activities;  
24 ~~but does not include exploration.~~

25 **Sec. 4. 38 MRSA §490-NN, sub-§1, ¶B**, as amended by PL 2017, c. 142, §5, is  
26 further amended to read:

27 B. In addition to other powers granted to it, the department shall adopt rules to carry  
28 out its duties under this article, including, but not limited to, standards for ~~exploration,~~  
29 advanced exploration, construction, operation, closure, post-closure monitoring,  
30 reclamation and remediation. Except as otherwise provided, rules adopted under this  
31 article are major substantive rules for purposes of Title 5, chapter 375, subchapter 2-A  
32 and are subject to section 341-H. Notwithstanding Title 5, section 8072, subsection  
33 11, or any other provision of law to the contrary, rules provisionally adopted by the  
34 department in accordance with this article and submitted for legislative review may not  
35 be finally adopted by the department unless legislation authorizing final adoption of  
36 those rules is enacted into law.

## 37 SUMMARY

38 Under the Maine Metallic Mineral Mining Act, a Department of Environmental  
39 Protection-issued mining permit is required for a person to engage in any mining-related  
40 activity, excluding those activities that fall under the statutory definition of "exploration."  
41 This bill amends definitions within that Act and related provisions to require the issuance  
42 of a mining permit for a person to engage in any mining-related activity.