

Kat Taylor – Testimony Opposing LD 795 - *An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process*



Monday, March 24, 2025

Esteemed members of the Environment and Natural Resources Committee:

My name is Kat Taylor and I am a resident and property owner in the small Unorganized Township of Argyle, located about 20 miles north of Bangor, situated between the Alton Bog and the Penobscot River. I am a rural environmental activist as it seems it is always the rural communities that are thrown under the wheels of progress and need the most protection.

Where does it say in LD 795 that this is a bill to promote education and tourism by exempting Pegmatite from Metallic Minerals Rules for “recreational mining”? Nowhere in this bill does it mention “**hobbies**” or “**recreational**” or even “**tourism**”, which is rare. It does mention “**blasting**”. And does a **20 ton “garden tractor” excavator**, compressors and heavy equipment sound like a hobby?

It also mentions the size of “**exploratory**” mining is up to 5 acres. “**Extraction**” up to **20 acres which is four times the size of the open pit mining in Chapter 200 rules**

Are we really going to go down that path again when so much time, effort and compromise went into the exemption for certain metallic minerals? Are we going to accept a bill that thinly disguises commercial mining as “recreational” when we worked so hard over the last two years to finally adopt a compromise?

A hard won Resolve restricted the total area of an open pit mine to no more than 5 acres, and for every acre added an equal acre *must be reclaimed*.

Resolve L.D. 1471 conflicts with LD 795:

- The increases mine size from **5 to 20 acres**
- **No tax** on mining *exploration up to 5 acres*
- **Permission to begin mining if DEP takes longer than 30 days to approve a permit**

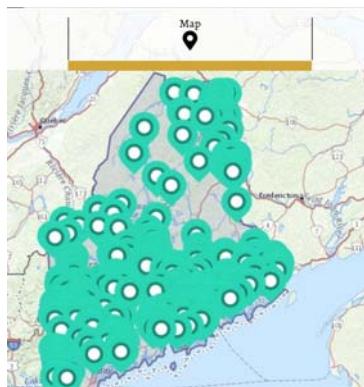
Boy, those rockhounds, all those little miners with their Tonka Truck excavators and Playskool pickaxes must be lining up at the border just waiting for us to remove those pesky restrictions so they can fill their buckets with lithium; an ore which needs to be processed with harsh chemicals to be used as energy and where 80% of the ore is waste rock. Also, the naked eye may not even be able to tell what a chuck of ore contains for minerals. Unlike gemstones.

And if it's history and tradition you want to preserve, why blast? Why use heavy equipment? Go old school with manual drills, sledgehammers, shovels and wheelbarrows. Show those budding geologists the romantic side of mining. Breathing in rock dust and radon will build character... What fun!

Finally, there are enough defunct mines in Maine that could be converted into recreational digs. The fees would help pay for the *in perpetuity remediation efforts* for previous mines.

There are **788 mines** in Maine:

<https://thediggings.com/usa/mainemap>



Please vote Ought Not to Pass on LD 795.

Respectfully,

Kat Taylor
Argyle Twp.

Attached is the signed **Resolve: S.P. 590 - L.D. 1471 Resolve, Regarding Legislative Review of Portions of Chapter 200**

And **LD 795 with my comments**

Additional Information

*Note: Although these links are from last session, they are still relevant. It has not been even one year since the **Resolve was signed into law, April 16, 2024.***

It appears in our enthusiasm to advance 'green energy' some of us are willing to sacrifice our principles upon the altar of modernity.

We seem willing to **cave for the sake of money which cannot buy what we already have.**

Extraction economies are not new to Maine but we had the sense to stop mining, and other environmentally destructive industries, decades ago; yet **we are still not done cleaning up the messes caused by those shortsighted decisions done in the name of prosperity.**

With the recent discovery of a **lucrative spodumene** (the mineral from which Lithium is derived) **deposit in Newry** we are once again being lulled by greed into forgetting how destructive extraction industries are in our headlong rush for minerals needed for our so-called advanced civilization.

There were over **11 bills in the 131st session** specifically **addressing mining in Maine.** (See list below – does not include tax bills)

Mining in Maine:

DEP proposes “risk-based” approach to metal mining (LD 1363):

*“The amendment, explained DEP Commissioner **Melanie Loyzim**, would create a “risk-based” exclusion in the state’s metallic mining law. If a **developer** could prove that they could get a deposit out of the ground without polluting the surrounding land and water, the **operation** would be excluded from the **Metallic Mineral Mining Act** and instead likely be regulated under the state’s quarrying rules, which are much less stringent.”*

*“Chemical processing of a material would still be regulated under the mining act, which has strict standards for treating **mine waste**, known as **tailings** that can be one of the most environmentally hazardous parts of an operation.”*

“No changes are being proposed to the state’s quarry law**, which has **no limits on the size of the open pit**, a **fact that seemed to surprise some lawmakers.

Quarry operators are **required to notify the department every time they open an additional 10 acres**, said DEP mining coordinator Michael Clark, **but there is no limit on the size of the quarry pit they can have open at any one time.**"
<https://themainemonitor.org/dep-proposes-risk-based-approach-to-metal-mining/>

DEP's stance on the Newry Spodumene deposit:

"It's likely that the spodumene deposit in Newry would qualify for the exemption", said Loyzim. "The Freemans would still have to prove it, however, and would still be regulated — just under the state's **quarrying rules, which are much less strict.**"

<https://themainemonitor.org/maine-likely-to-amend-its-strict-mining-laws/>

Maine's mining laws are under review by legislators due to the high demand of Lithium:

(Bill Tracking: https://legislature.maine.gov/bills/default_ps.asp?PID=0)

LR 1624 Rep. Maggie O'Neil of Saco

Title: *An Act to Ensure a Strategic Approach to Maine's Energy System by Imposing a Moratorium on Lithium Mining*

LR 1121 Rep. Lydia Crafts of Newcastle

Title: *An Act to Establish a Commission to Study Mining Materials*

LR 1508 Rep. Nina Milliken of Blue Hill

Title: *An Act to Eliminate Mining Without a Permit*

LR 1304 Rep. Mike Soboleski of Phillips (ENR Committee)

Title: *An Act to Promote Sustainable Lithium Mining in Maine*

LR 2272 Sen. Richard Bennett of Oxford

Title: *An Act Regarding Metallic Mineral Mining*

LR 2138 Sen. Craig Hickman of Kennebec

Title: *An Act to Protect the People from Open Pit Quarry Mining*

LD 1471, SP 590, Rep. Scott Landry of Farmington (9 written testimonies)

Title: *An Act to Amend Provisions of the Maine Metallic Mineral Mining Act*

LD 1363 Sen. Rick Bennett of Oxford

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

LD 1476 Sen. Lisa Keim of Oxford

Title: An Act to Amend the Definition of "Metallic Mineral" in the Maine Metallic Mineral Mining Act

LD 1508 Rep. Margaret M. O'Neil of Saco

Title: An Act to Ensure a Strategic Approach to Maine's Energy Transition by Imposing a Moratorium on Lithium Mining

LD 1564 Rep. Nina Milliken of Blue Hill

Title: An Act to Eliminate Metallic Mineral Mining Activities Without a Permit

Recent news articles on relaxing mining regulation in Maine:

"State lawmakers consider new mining rules that could open door to lithium mining"

Some environmental groups say the rules that would allow for open pit mineral mining provide ample safeguards, but others demand more preliminary testing, smaller pit size limits, stronger reclamation standards and dark skies protections.
https://www.pressherald.com/2024/03/25/state-lawmakers-consider-new-mining-rules/?utm_source=Newsletter&utm_medium=email&utm_content=Thousands+of+Mainers+still+without+power+in+wake+of+devastating+ice+storm&utm_campaign=PH+Daily+Headlines+ND+-+Big+Image

"Lithium mining in Gem Hunters Found the Lithium America Needs. Maine Won't Let Them Dig It Up"

<https://time.com/6294818/lithium-mining-us-maine/>

"A \$1.5 billion lithium deposit has been discovered in western Maine, but mining it could be hard"

<https://www.mainepublic.org/2021-10-25/a-1-5-billion-lithium-deposit-has-been-discovered-in-western-maine-but-mining-it-could-be-hard>

"Maine Senate Votes to Loosen Restrictions on Lithium Mining After \$1.5 Bn Deposit Found in Newry"

<https://www.themainewire.com/2023/06/maine-senate-votes-to-loosen-restrictions-on-lithium-mining-after-1-5-bn-deposit-found-in-newry/>

State of worldmine tailings 2020:

"Annually, to produce the world's 18-20 billion tonnes of minerals requires the generation of 80-90 billion tonnes of waste rock and 8 billion tonnes (19 bn m³) of tailings. "

<https://worldminetailingsfailures.org/>

Lithium in Maine is in high demand for 'green energy'.

Lithium is produced using **harsh methods** like "**acid digestion**".

Lithium Extraction Methods

<https://lithiumharvest.com/knowledge/lithium-extraction/lithium-extraction-methods/>

Currently there are few options of recycling, refurbishing or proper disposal of lithium batteries in Maine.

<https://www.maine.gov/dep/waste/recycle/battery.html>

Lithium causes **fires of such intensity they cannot be extinguished by any state level efforts.**

2022 Annual Product Stewardship Report, 2022:

<https://www.maine.gov/dep/waste/productstewardship/index.html>

*“...popular lithium-ion batteries were responsible for at least 245 fires nationwide during materials management handling **between 2013 and 2020**. These batteries generally enter materials management streams embedded in products.*

*For these reasons the Department has **recommended** expanding the scope of this program **multiple times, and other U.S. jurisdictions are enacting legislation with a broader program scope.**”*

If we can **implement an effective recycling/refurbishing program for lithium batteries**, (and all batteries for that matter since we are becoming more and more dependant on battery power) at the federal and state levels, **mining for lithium would not be so lucrative or necessary.**

“The Salton Sea could produce the world's greenest lithium, if new extraction technologies work”

<https://www.cnbc.com/2022/05/04/the-salton-sea-could-produce-the-worlds-greenest-lithium.html>

*“About 40 miles north of the California-Mexico border lay the shrinking, landlocked lake known as the **Salton Sea**. The California Energy Commission estimates that **there's enough lithium here to meet all of the United States' projected future demand and 40% of the world's demand.**”*

“DEP proposes "risk-based" approach to metal mining”

<https://themainemonitor.org/dep-proposes-risk-based-approach-to-metal-mining/>

“California's “Lithium Valley” may power millions of electric vehicles. Does Maine still need a lithium mine?”

https://themainemonitor.org/does-maine-need-lithium-mine/?utm_source=mainemonitorstories.beehiiv.com&utm_medium=newsletter&utm_campaign=the-sunday-monitor-march-3-2024

Lithium in North Carolina

<https://www.deq.nc.gov/energy-mineral-and-land-resources/geological-survey/geoscience-education/lithium-north-carolina-factsheet/open>

Or we could simply **find safer alternatives**:

Iron Air Battery in Lincoln Maine:

World's biggest battery coming to Maine — and it could store 130 million times more energy than your laptop

By Ian Stokes published **September 2, 2024**

<https://www.livescience.com/technology/engineering/worlds-biggest-battery-coming-to-maine-130-million-times-more-energy-laptop>

7 Lithium Battery Alternatives Christian Cavallo **Nov 17, 2022**

<https://www.thomasnet.com/insights/7-lithium-battery-alternatives/>

“Lithium-ion batteries currently dominate energy storage technology — and for good reason. Their capacity, rechargeability, and price make them ideal for both consumer and industrial applications.

*However, the advent of renewable energy equipment, electric vehicles, and the **issues surrounding lithium extraction and safety are forcing markets to find batteries independent of the alkali metal**. As a result of this demand, numerous lithium battery alternatives are in development that could shift the power balance for energy storage — given they are feasible, and more importantly, scalable.”*

The Real Cost of Plundering the Planet's Resources

Elizabeth Kolbert

“Consumption patterns in the Global North—and South, increasingly—simply cannot be sustained. Everyone who has read the news lately, or just ventured outside into this summer's smoke-filled, record-breaking heat, knows this.

But that knowledge doesn't seem to change much.”

“Our special talent as a species is our ability to refashion raw materials—first rocks into tools, then, eventually, quartz into integrated circuits. We are... ,Homo stuffensis, a creature “defined and made by our things.” We should change our ways—we must change our ways—but this long history is against us.”

<https://www.newyorker.com/magazine/2023/10/30/the-real-cost-of-plundering-the-planets-resources>



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 795

S.P. 360

In Senate, March 4, 2025

An Act to Exempt Pegmatite Mining from the Maine Metallic Mineral Mining Act and Establish a Permit-by-rule Process

Received by the Secretary of the Senate on February 27, 2025. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink that reads "DAREK M. GRANT".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MARTIN of Oxford.

Cosponsored by Representative SOBOLESKI of Phillips and Representatives: LANCE of Paris, SCHMERSAL-BURGESS of Mexico, WADSWORTH of Hiram.

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

2 **Sec. 1. 38 MRSA §490-MM, sub-§11**, as amended by PL 2023, c. 398, §3, is
3 further amended to read:

4 **11. Mining, mining operation or mining activity.** "Mining," "mining operation" or
5 "mining activity" means activities, facilities or processes necessary for the extraction or
6 removal of metallic minerals or overburden or for the preparation, washing, cleaning or
7 other treatment of metallic minerals and includes the bulk sampling, advanced exploration,
8 extraction or beneficiation of metallic minerals as well as waste storage and other stockpiles
9 and reclamation activities, but does not include exploration, pegmatite mining conducted
10 pursuant to section 490-NN, subsection 6 or any of the following activities:

11 A. The physical extraction, crushing, grinding, sorting, storage or heating of calcium
12 carbonate or limestone to produce cement when such activity is subject to article 6,
13 article 8-A or Title 12, chapter 206-A or when such activity covers one acre or less of
14 surface area in total;

15 B. The exploration for or physical extraction, crushing, grinding, sorting or storage of
16 borrow, topsoil, clay or silt when such activity is subject to article 7 or Title 12, chapter
17 206-A or when such activity covers 5 acres or less of surface area in total;

18 C. The exploration for or physical extraction, crushing, grinding, sorting or storage of
19 gemstones, aggregate, dimension stone or other construction materials from a quarry
20 that is subject to article 8-A or Title 12, chapter 206-A or when such activity covers
21 one acre or less of surface area in total; and

22 D. The exploration for or physical extraction, crushing, grinding, sorting or storage of
23 any other metallic minerals when such activity has been excluded from the
24 requirements of this article pursuant to a determination made by the department under
25 section 490-NN, subsection 4.

26 **Sec. 2. 38 MRSA §490-MM, sub-§13-B** is enacted to read:

27 **13-B. Pegmatite mining.** "Pegmatite mining" means the extraction for commercial
28 sale of pegmatite or similar minerals commonly found in pegmatite rock formations,
29 including, but not limited to, gemstones, feldspar, mica and lithium-bearing minerals.

30 **Sec. 3. 38 MRSA §490-NN, sub-§5**, as enacted by PL 2023, c. 398, §5, is amended
31 to read:

32 **5. Mining excise tax.** A person engaging in mining activities pursuant to this article
33 and a person, pursuant to article 6, article 7, article 8-A or Title 12, chapter 206-A, engaging
34 in activities described in section 490-MM, subsection 11, paragraph D following a
35 determination by the department under subsection 4 is subject to the mining excise tax
36 under Title 36, chapter 371. A person engaging in pegmatite mining conducted pursuant
37 to subsection 6 or in the activities described in section 490-MM, subsection 11, paragraphs
38 A to C is not subject to the mining excise tax under Title 36, chapter 371.

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

40 **6. Pegmatite mining; permit by rule.** In accordance with the requirements of this
41 subsection, the department may authorize a person to engage in pegmatite mining through
42 a permit by rule if:

5 acres is
the limit for
open pit
mining.
See
Resolve
**S.P. 590 -
L.D. 1471**
Resolve
approved
by BEP

20 acres
goes
beyond the
5 acre rule
in S.P. 590 -
L.D. 1471
Resolve
approved
by BEP

1 A. The pegmatite mining activity is subject to and satisfies the requirements of article
2 8-A, as applicable, including, but not limited to, site reclamation requirements,
3 environmental protection standards and public safety standards; and

4 B. The area on which active pegmatite mining is to occur covers 20 acres or less of
5 surface area in total. If the area of active pegmatite mining reaches the 20-acre limit,
6 the person may apply for and the department may issue additional permits by rule in
7 accordance with this subsection as long as the area on which active pegmatite mining
8 is to occur under each permit by rule does not exceed 20 acres of surface area.

9 Notwithstanding any provision of law to the contrary, the department shall decide upon an
10 application for permit by rule submitted pursuant to this subsection within 30 calendar days
11 after notifying the applicant of acceptance of the application. If the department does not
12 approve or deny the application within that 30-day period, the applicant may begin the
13 pegmatite mining activity as described in the application.

14 Pegmatite mining conducted pursuant to this subsection is not subject to the otherwise
15 applicable requirements of this article, the otherwise applicable rules adopted pursuant to
16 this article, except for those rules adopted by the department pursuant to this subsection, or
17 the fees for metallic mineral mining set forth in section 352, subsection 4-A.

18 The department shall adopt rules to implement this subsection. Rules adopted pursuant to
19 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
20 2-A.

SUMMARY

22 This bill amends the Maine Metallic Mineral Mining Act to provide that the
23 Department of Environmental Protection may authorize a person to engage in pegmatite
24 mining through a permit by rule if:

25 1. The activity is subject to and satisfies the requirements of the quarrying laws, as
26 applicable, including, but not limited to, site reclamation requirements, environmental
27 protection standards and public safety standards; and

28 2. The area on which active pegmatite mining is to occur covers 20 acres or less of
29 surface area in total.

30 Pegmatite mining conducted pursuant to such a permit by rule is not subject to the
31 otherwise applicable requirements of the mining law, the otherwise applicable rules
32 adopted pursuant to that law or the otherwise applicable fees for metallic mineral mining.
33 The bill defines "pegmatite mining" as the extraction for commercial sale of pegmatite or
34 similar minerals commonly found in pegmatite rock formations, including, but not limited
35 to, gemstones, feldspar, mica and lithium-bearing minerals.

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-FOUR

S.P. 590 - L.D. 1471

Resolve, Regarding Legislative Review of Portions of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Late-filed Major Substantive Rule of the Department of Environmental Protection

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule was submitted to the Legislature outside the legislative rule acceptance period and a legislative instrument to allow for legislative review was not prepared; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That, notwithstanding any provision of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this resolve as provided in Title 5, section 8072, subsection 11, the Legislature authorizes final adoption of portions of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted February 29, 2024 to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, only if the following changes are made:

1. The rule must be amended, as necessary, in section 36(B), and any other relevant sections to provide that, as part of a preapplication mine waste and ore sampling and testing plan, proposed rock sampling under such plan must:

A. Include a minimum of 4 samples per acre of proposed exclusion area, except that the department may require less than 4 but not less than 2 samples per acre in cases where the department determines that the geology is uniform and not complex, such that requiring less than 4 but not less than 2 samples per acre is appropriate; and

B. Be conducted by a qualified professional;

2. The rule must be amended, as necessary, in section 36(C), and any other relevant sections to provide that, as part of a preapplication water quality evaluation plan, proposed water quality testing on groundwater and surface water samples from a proposed exclusion area must include, but not be limited to, testing for perfluoroalkyl and polyfluoroalkyl substances, or PFAS. The rule must also require water quality testing on groundwater and surface water samples from reclaimed portions of an exclusion area, as directed by the department, that includes, but is not limited to, testing of those samples for PFAS;

3. The rule must be amended, as necessary, in section 39 to require, as a condition of the department's approval of an exclusion application, that all lighting fixtures implemented or used by the licensee within the exclusion area must be designed to reduce, to the greatest extent practicable, the glare and light pollution on all adjacent areas through the use of shielding, reflectors, light diffusors and other measures, as specified by the department. The rules must establish requirements for allowable lighting fixtures within the exclusion area that limit each lighting fixture to a light emittance rating of not more than 2,000 lumens and a correlated color temperature of not more than 3,000K;

4. The rule must be amended, as necessary, in section 39 to require, as a condition of the department's approval of an exclusion application, that reclamation within an exclusion area must, to the greatest extent practicable, be designed to result in restoration of natural vegetation and other wildlife and aquatic resources that existed prior to the commencement of mining activities within the exclusion area;

5. The rule must be amended, as necessary, in section 39(D)(4), and any other relevant sections, to provide that the total area within an exclusion area that is actively used for the physical extraction of metallic minerals and not yet reclaimed does not exceed 5 acres.

A. In calculating whether the 5-acre limit is reached, the rule may not include the areas within an exclusion area that are not actively used for the physical extraction of metallic minerals, including, but not limited to, areas where extracted material is stockpiled or stored; areas where extracted material is crushed, ground or physically sorted; areas that include buildings or other structures relating to or supporting mining activities; and access roads, parking lots and related infrastructure.

B. Once the 5-acre limit is reached, the rule must require reclamation in order to expand the area within the exclusion area that is actively used for the physical extraction of metallic minerals such that, at any time, a maximum of 5 acres in total are actively used for the physical extraction of metallic minerals and not yet reclaimed.

The rule must provide for the requirements and standards applicable to the reclamation of all areas within the exclusion area, including those areas not actively used for the physical extraction of metallic minerals; and

6. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of the Maine Revised Statutes, Title 38, section 490-NN, subsection 4, including

any necessary grammatical, formatting, punctuation or other technical, nonsubstantive editing changes.

The Department of Environmental Protection is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.