

§490-MM. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

1. Advanced exploration. "Advanced exploration" means any metallic mineral bulk sampling or exploratory activity that exceeds those activities that are exploration activities and are specified in rules adopted by the department. Samples taken as part of exploration are not considered bulk sampling. [PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

2. Affected area. "Affected area" means an area outside of a mining area where the land surface, surface water, groundwater, air resources, soils or existing uses are potentially affected by mining operations as determined through an environmental impact assessment. [PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

3. Beneficiation. "Beneficiation" means the treatment of ore to liberate or concentrate its valuable constituents. "Beneficiation" includes, but is not limited to, crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining, roasting in preparation for leaching to produce a final or intermediate product that does not undergo further beneficiation or processing, gravity concentration, magnetic separation, electrostatic separation, flotation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation and dump, vat, tank and in situ leaching. [PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

3-A. Cement. "Cement" means any of various calcined mixtures of clay and limestone that can be mixed with water and used as an ingredient in making mortar or concrete. [PL 2023, c. 398, §1 (NEW).]

4. Closure. "Closure" means activities undertaken to manage a mining area and, if necessary, an affected area, pursuant to an environmental protection, reclamation and closure plan approved by the department. "Closure" includes, but is not limited to, actions taken to contain metallic mineral wastes on site and to ensure the integrity of waste management structures and the permanent securement of pits, shafts and underground workings. [PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

5. Contamination. As applied to groundwater, "contamination" means nonattainment of water quality standards, the cause of which is attributable to a mining operation, as:

- A. Specified in rules relating to primary drinking water standards adopted pursuant to Title 22, section 2611; or [PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]
- B. Demonstrated by a statistically significant change in measured parameters that indicates deterioration of water quality determined through assessment monitoring. [PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

As applied to surface water, "contamination" means a condition created by any direct or indirect discharge that causes or contributes to nonattainment of applicable water quality or licensing standards under section 414-A or 420. The nonattainment may be attributable to the mining operation either by itself or in combination with other discharges. [PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

5-A. Dry stack tailings management. "Dry stack tailings management" means the process of disposing of dewatered, compacted mine tailings into a freestanding, stable structure on an area with an impervious liner designed to shed water to a water collection and treatment system. [PL 2017, c. 142, §2 (NEW).]

6. Exploration. "Exploration" or "exploration activity" means the following activities when conducted in accordance with rules adopted by the department for the purpose of determining the

location, extent and composition of metallic mineral deposits: test boring, test drilling, hand sampling, the digging of test pits, trenching or outcrop stripping for the removal of overburden having a maximum surface opening of 300 square feet per test pit or trench or other test sampling methods determined by the department to cause minimal disturbance of soil and vegetative cover.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

7. Heap or percolation leaching. "Heap or percolation leaching" means a process for the primary purpose of recovering metallic minerals in an outdoor environment from a stockpile of crushed or excavated ore by percolating water or a solution through the ore and collecting the leachate.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

8. Metallic mineral. "Metallic mineral" means any mineral, ore or excavated material that has metal or a metalloid element as its economically valuable constituent, regardless of the chemical end product of the metal or metalloid element.

[PL 2023, c. 398, §2 (AMD).]

9. Metallic mineral operator. "Metallic mineral operator" means a permittee or other person who is engaged in, or who is preparing to engage in, mining operations for metallic minerals, whether individually or jointly or through agents, employees or contractors.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

10. Metallic product. "Metallic product" means a commercially salable mineral or metal produced primarily for its metallic mineral content in its final marketable form or state.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

10-A. Mine shaft. "Mine shaft" means a vertical, inclined or horizontal excavation, including all underground workings, with a surface opening not exceeding 1,000 square feet.

[PL 2017, c. 142, §2 (NEW).]

10-B. Mine waste. "Mine waste" means all material, including, but not limited to, overburden, rock, lean ore, leached ore or tailings, that in the process of mining and beneficiation has been exposed or removed from the earth during advanced exploration and mining activities.

[PL 2017, c. 142, §2 (NEW).]

10-C. Mine waste unit. "Mine waste unit" means any land area, structure, location, equipment or combination thereof on or in which mine wastes are managed. A structure or area of land does not become a mine waste unit solely because it is used to store nonreactive mine wastes generated on the site, such as soil or overburden, for 90 days or less.

[PL 2017, c. 142, §2 (NEW).]

11. Mining, mining operation or mining activity. "Mining," "mining operation" or "mining activity" means activities, facilities or processes necessary for the extraction or removal of metallic minerals or overburden or for the preparation, washing, cleaning or other treatment of metallic minerals and includes the bulk sampling, advanced exploration, extraction or beneficiation of metallic minerals as well as waste storage and other stockpiles and reclamation activities, but does not include exploration or any of the following activities:

A. The physical extraction, crushing, grinding, sorting, storage or heating of calcium carbonate or limestone to produce cement when such activity is subject to article 6, article 8-A or Title 12, chapter 206-A or when such activity covers one acre or less of surface area in total; [PL 2023, c. 398, §3 (NEW).]

B. The exploration for or physical extraction, crushing, grinding, sorting or storage of borrow, topsoil, clay or silt when such activity is subject to article 7 or Title 12, chapter 206-A or when such activity covers 5 acres or less of surface area in total; [PL 2023, c. 398, §3 (NEW).]

C. The exploration for or physical extraction, crushing, grinding, sorting or storage of gemstones, aggregate, dimension stone or other construction materials from a quarry that is subject to article 8-A or Title 12, chapter 206-A or when such activity covers one acre or less of surface area in total; and [PL 2023, c. 398, §3 (NEW).]

D. The exploration for or physical extraction, crushing, grinding, sorting or storage of any other metallic minerals when such activity has been excluded from the requirements of this article pursuant to a determination made by the department under section 490-NN, subsection 4. [PL 2023, c. 398, §3 (NEW).]
[PL 2023, c. 398, §3 (AMD).]

12. Mining area. "Mining area" means an area of land described in a permit application and approved by the department, including but not limited to land from which earth material is removed in connection with mining, the lands on which material from that mining is stored or deposited, the lands on which beneficiating or treatment facilities, including groundwater and surface water management treatment systems, are located or the lands on which water reservoirs used in a mining operation are located.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

13. Mining permit. "Mining permit" means a permit issued under this article for conducting mining and reclamation operations.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

13-A. Open-pit mining. "Open-pit mining" means, for any single mining operation permitted under this article, the process of mining a metallic mineral deposit by use of surface pits or excavations having greater than 3 acres of surface area in aggregate or by means of a surface pit excavated using one or more horizontal benches.

[PL 2017, c. 142, §2 (NEW).]

14. Permittee. "Permittee" means a person who is issued a mining permit.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

15. Post-closure monitoring period. "Post-closure monitoring period" means a period following closure during which a permittee is required to conduct monitoring of groundwater and surface water and other environmental parameters as specified in a mining permit.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

16. Reclamation. "Reclamation" or "reclamation operation" means the rehabilitation of the mining area, affected area and any other area of land or water body affected by mining under an environmental protection, reclamation and closure plan approved by the department. "Reclamation" includes, but is not limited to, stabilization of slopes, creation of safety benches, planting of forests, seeding of grasses and legumes for grazing purposes, planting of crops for harvest and enhancement of wildlife and aquatic resources.

[PL 2011, c. 653, §23 (NEW); PL 2011, c. 653, §33 (AFF).]

17. Tailings impoundment. "Tailings impoundment" means a surface area, contained by dikes or dams, on which is deposited the slurry of material that is separated from a metallic product in the beneficiation or treatment of minerals, including any surrounding dikes constructed to contain such material. "Tailings impoundment" does not include a lined surface area on which dewatered tailings are stacked.

[PL 2017, c. 142, §3 (RPR).]

18. Wet mine waste unit. "Wet mine waste unit" means a mine waste unit in which mine wastes are placed under water to minimize sulfide oxidation, acid formation or particulate pollution.

[PL 2017, c. 142, §4 (NEW).]

SECTION HISTORY

PL 2011, c. 653, §23 (NEW). PL 2011, c. 653, §33 (AFF). PL 2017, c. 142, §§2-4 (AMD). PL 2023, c. 398, §§1-3 (AMD).

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