

§6662. Extinguishment of mineral rights

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

- A. "Mineral" means all naturally occurring mineral deposits, including hydrocarbons and peat, but excluding sand, gravel and water. [PL 1983, c. 189 (NEW).]
- B. "Mineral interest" means the interest in minerals which is created by an instrument transferring by grant, assignment, lease or otherwise, any interest in any mineral. [PL 1983, c. 189 (NEW).]
- C. "Use of the mineral interest" means:
 - (1) Payment of rents or royalties for the option or exercise of mineral rights;
 - (2) Payment of any excise tax under Title 36, sections 2851 to 2865;
 - (3) Extraction of minerals from the ground in quantities in excess of that necessary to conduct exploratory activity; or
 - (4) Filing of a statement of claim under subsection 3. [PL 1983, c. 189 (NEW).]

[PL 1983, c. 189 (NEW).]

2. Claim. A person claiming an estate in a mineral interest may maintain an action, as provided in sections 6651 to 6654 or sections 6655 to 6657, without the necessity of showing 4 years of possession next prior to filing of that complaint, provided that the person is the fee simple owner of the land which is subject to that interest.

[PL 1983, c. 189 (NEW).]

3. Assertion of claim. An owner, assignee or lessee of a mineral interest may file a statement of claim with the registrar of deeds of the county in which the land subject to the mineral interest is located. The claim shall contain his name and address, a description of the land that is subject to that interest and a legal description of the mineral interest.

[PL 1983, c. 189 (NEW).]

4. Court; finding. The court, in an action brought under subsection 2, shall find that the mineral interest is extinguished and shall order that title to the mineral interest is in the complainant if:

A. The owner, assignee or lessee of the mineral interest has failed to make use of the mineral interest during a period of 50 consecutive years next prior to the filing of the complaint; and [PL 1983, c. 189 (NEW).]

B. Two years have passed since notice of the complaint under subsection 2 was served and the owner, assignee or lessee of the mineral interest has not filed a statement of claim under subsection 3 during that period. [PL 1983, c. 189 (NEW).]

[PL 1983, c. 189 (NEW).]

SECTION HISTORY

PL 1983, c. 189 (NEW).

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