

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FOURTEEN

—  
S.P. 646 - L.D. 1671

**An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA  
Waters and Certain Atlantic Salmon and Brook Trout Habitats**

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

**Whereas,** motorized recreational gold prospecting may occur without a permit, subject to certain conditions; and

**Whereas,** in order to provide additional protection to certain sensitive stream segments that provide important habitats to Atlantic salmon and brook trout before the next motorized recreational gold prospecting season, which will begin after winter ends, this legislation must take effect as soon as possible; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §480-B, sub-§5-C** is enacted to read:

**5-C. Motorized recreational gold prospecting.** "Motorized recreational gold prospecting" means the operation of small-scale, motorized equipment for the removal, separation, refinement and redeposition of sediments and other substrates occurring below the normal high-water mark of a stream for the noncommercial, recreational discovery and collecting of gold specimens. "Motorized recreational gold prospecting" includes, but is not limited to, the operation of a motorized suction dredge, sluice, pump, rocker box or winch, individually or together.

**Sec. 2. 38 MRSA §480-Q, sub-§5-A, ¶G,** as enacted by PL 2013, c. 260, §1, is amended to read:

G. Motorized recreational gold prospecting is prohibited within the following areas:

- (1) Waters closed to motorized recreational gold prospecting in the unorganized territories identified in rules adopted by the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission; ~~and~~
- (2) Waters closed to motorized recreational gold prospecting identified in rules adopted by the Department of Environmental Protection;
- (3) Waters defined as Class AA waters pursuant to section 465; and
- (4) The following areas of critical or high-value brook trout or Atlantic salmon habitat:
  - (a) Bemis Stream and tributaries in Township D and Rangeley Plantation;
  - (b) Bond Brook in the City of Augusta and the Town of Manchester;
  - (c) Bull Branch of Sunday River and tributaries in Grafton Township and Riley Township;
  - (d) Carrabassett River and tributaries in the Town of Carrabassett Valley, Freeman Township, the Town of Kingfield, Mount Abram Township and Salem Township;
  - (e) Cold Stream tributaries, including Tomhegan Stream, in Chase Stream Township, Johnson Mountain Township and West Forks Plantation;
  - (f) Enchanted Stream in Upper Enchanted Township and Lower Enchanted Township;
  - (g) Magalloway River and tributaries, including Little Magalloway River, in Bowmantown Township, Lincoln Plantation, Lynchtown Township, Magalloway Plantation, Oxbow Township, Parkertown Township and Parmachenee Township;
  - (h) Rapid River in the Town of Upton and Township C;
  - (i) Sheepscoot River and tributaries, including the West Branch, in the Town of Alna, the Town of China, the Town of Freedom, the Town of Liberty, the Town of Montville, the Town of Palermo, the Town of Somerville, the Town of Whitefield and the Town of Windsor;
  - (j) South Bog Stream in Rangeley Plantation;
  - (k) Spencer Stream and Little Spencer Stream tributaries, including Kibby Stream in Kibby Township, Skinner Township, T.3, R.5 B.K.P. W.K.R., T.4, R.5 B.K.P. W.K.R., King and Bartlett Township and T.5, R.6 B.K.P. W.K.R.; and
  - (l) Togus Stream in the Town of Chelsea and the Town of Randolph.

**Sec. 3. Department of Inland Fisheries and Wildlife; review of critical and high-value brook trout habitat.** By December 1, 2015, the Department of Inland Fisheries and Wildlife shall review data, conduct site visits and collect any additional information necessary to determine whether the specific areas listed in the Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4), as they relate to critical or high-value habitat for brook trout, continue

to represent critical or high-value habitat for brook trout, and whether there are areas not listed that represent additional critical or high-value brook trout habitat that should be closed to motorized recreational gold prospecting. At a minimum and to the extent applicable to brook trout habitat, this review must include an examination of the following areas: Sandy River and tributaries above Farmington Falls; Sandy Stream and tributaries in Carrying Place Township, Highland Plantation and Lexington Plantation; Dead River and tributaries above Flagstaff Lake and between Grand Falls and The Forks Plantation; and Kennebec River tributaries between the Indian Pond Dam in Chase Stream Township and Indian Stream Township and the Williams Dam in the Town of Solon. By January 15, 2016, the department shall submit recommendations, if any, to add or remove areas of critical or high-value brook trout habitat on the list of areas closed to motorized recreational gold prospecting under Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4) to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters, and the committee may report out a bill relating to these recommendations to the Second Regular Session of the 127th Legislature.

**Sec. 4. Department of Marine Resources; review of critical and high-value Atlantic salmon habitat.** By December 1, 2015, the Department of Marine Resources shall review data, conduct site visits and collect any additional information necessary to determine whether the specific areas listed in the Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4), as they relate to critical or high-value habitat for Atlantic salmon, continue to represent critical or high-value habitat for Atlantic salmon, and whether there are areas not listed that represent additional critical or high-value Atlantic salmon habitat that should be closed to motorized recreational gold prospecting. At a minimum and to the extent applicable to Atlantic salmon habitat, this review must include an examination of the following areas: Sandy River and tributaries above Farmington Falls; Sandy Stream and tributaries in Carrying Place Township, Highland Plantation and Lexington Plantation; Dead River and tributaries above Flagstaff Lake and between Grand Falls and The Forks Plantation; and Kennebec River tributaries between the Indian Pond Dam in Chase Stream Township and Indian Stream Township and the Williams Dam in the Town of Solon. By January 15, 2016, the department shall submit recommendations, if any, to add or remove areas of critical or high-value Atlantic salmon habitat on the list of areas closed to motorized recreational gold prospecting under Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4) to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters, and the committee may report out a bill relating to these recommendations to the Second Regular Session of the 127th Legislature.

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