

126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1671

S.P. 646

In Senate, January 8, 2014

An Act To Prohibit Motorized Recreational Gold Prospecting in Certain Atlantic Salmon and Brook Trout Spawning Habitats

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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DAREK M. GRANT Secretary of the Senate

Presented by Senator BOYLE of Cumberland. Cosponsored by Representative McCABE of Skowhegan and Senators: MAZUREK of Knox, PATRICK of Oxford, SAVIELLO of Franklin, Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, ROCHELO of Biddeford, SANBORN of Gorham, THERIAULT of Madawaska.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and Whereas, motorized recreational gold prospecting may occur without a permit, 3 4 subject to certain conditions: and 5 Whereas, motorized recreational gold prospecting may negatively affect habitats for aquatic life, including habitats where brook trout and Atlantic salmon spawn; and 6 7 Whereas, in order to provide additional protection to certain sensitive stream segments that provide important habitats to brook trout and Atlantic salmon before the 8 next motorized recreational gold prospecting season, after winter ends, this legislation 9 10 must take effect as soon as possible; and Whereas, in the judgment of the Legislature, these facts create an emergency within 11 the meaning of the Constitution of Maine and require the following legislation as 12 immediately necessary for the preservation of the public peace, health and safety; now, 13 14 therefore, Be it enacted by the People of the State of Maine as follows: 15 16 Sec. 1. 38 MRSA §480-Q, sub-§5-A, ¶H is enacted to read: 17 H. Motorized recreational gold prospecting is prohibited in the following waters: 18 (1) Bemis Stream in Township D and Rangeley Plantation; (2) Bond Brook in the City of Augusta and the Town of Manchester; 19 20 (3) Bull Branch of Sunday River in Riley Township and Grafton Township; (4) Carrabassett River tributaries in the Town of Carrabassett Valley; 21 22 (5) Cold Stream tributaries in West Forks Plantation and Johnson Mountain 23 Township; 24 (6) Dead River in Lower Enchanted Township; (7) Dead River tributaries upstream of Flagstaff Lake, including the North 25 26 Branch and the South Branch, in Chain of Ponds Township, Tim Pond Township, Jim Pond Township, Alder Stream Township and the Town of Eustis; 27 28 (8) Enchanted Stream in Upper Enchanted Township and Lower Enchanted 29 Township; (9) Kennebec River and its tributaries above Wyman Lake in Bowtown 30 31 Township, Pierce Pond Township, Carrying Place Township, The Forks Plantation and the Town of Caratunk; 32 33 (10) Magalloway River and its tributaries, including Little Magalloway River, in Bowmantown Township, Parmachenee Township, Oxbow Township, Lynchtown 34 35 Township, Parkertown Township, Lincoln Plantation and Magalloway Plantation: 36

1	(11) Rapid River in the Town of Upton;
2 3 4 5	(12) Sandy River and its tributaries upstream of the Town of Farmington and the Town of Strong town line in Sandy River Plantation, Township E, Redington Township, Salem Township, Mount Abram Township, Madrid Township, the Town of Phillips, the Town of Avon and the Town of Strong;
6	(13) Sandy Stream and its tributaries in Highland Plantation;
7 8 9 10	(14) Sheepscot River and its tributaries, including the West Branch, in the Town of Alna, the Town of Whitefield, the Town of Windsor, the Town of Somerville, the Town of Palermo, the Town of China, the Town of Liberty, the Town of Freedom and the Town of Montville;
11	(15) South Bog Stream in Rangeley Plantation;
12 13 14	(16) 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.;
15 16	(17) Swift River and its tributaries upstream of the Town of Byron, Township D and Township E town line in Township D and Township E;
17 18	(18) Temple Stream in the Town of Avon, the Town of Temple and the Town of Farmington; and
19	(19) Togus Stream in the Town of Chelsea and the Town of Randolph.
20 21	Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.
22	SUMMARY
23 24	This bill prohibits motorized recreational gold prospecting in certain stream segments that contain important brook trout and Atlantic salmon spawning habitats.