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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 646, L.D. 1671, Bill, “An Act To Prohibit Motorized Recreational Gold Prospecting in Certain Atlantic Salmon and Brook Trout Spawning Habitats”

Amend the bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

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1 discovery and collecting of gold specimens. "Motorized recreational gold prospecting"
2 includes, but is not limited to, the operation of a motorized suction dredge, sluice, pump,
3 rocker box or winch, individually or together.

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

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

7 (1) Waters closed to motorized recreational gold prospecting in the unorganized
8 territories identified in rules adopted by the Department of Agriculture,
9 Conservation and Forestry, Maine Land Use Planning Commission; and

10 (2) Waters closed to motorized recreational gold prospecting identified in rules
11 adopted by the Department of Environmental Protection;

12 (3) Waters defined as Class AA waters pursuant to section 465; and

13 (4) The following areas of critical or high-value brook trout or Atlantic salmon
14 habitat:

15 (a) Bemis Stream and tributaries in Township D and Rangeley Plantation;

16 (b) Bond Brook in the City of Augusta and the Town of Manchester;

17 (c) Bull Branch of Sunday River and tributaries in Grafton Township and
18 Riley Township;

19 (d) Carrabassett River and tributaries in the Town of Carrabassett Valley,
20 Freeman Township, the Town of Kingfield, Mount Abram Township and
21 Salem Township;

22 (e) Cold Stream tributaries, including Tomhegan Stream, in Chase Stream
23 Township, Johnson Mountain Township and West Forks Plantation;

24 (f) Enchanted Stream in Upper Enchanted Township and Lower Enchanted
25 Township;

26 (g) Magalloway River and tributaries, including Little Magalloway River, in
27 Bowmantown Township, Lincoln Plantation, Lynchtown Township,
28 Magalloway Plantation, Oxbow Township, Parkertown Township and
29 Parmachenee Township;

30 (h) Rapid River in the Town of Upton and Township C;

31 (i) Sheepscot River and tributaries, including the West Branch, in the Town
32 of Alna, the Town of China, the Town of Freedom, the Town of Liberty, the
33 Town of Montville, the Town of Palermo, the Town of Somerville, the Town
34 of Whitefield and the Town of Windsor;

35 (j) South Bog Stream in Rangeley Plantation;

36 (k) Spencer Stream and Little Spencer Stream tributaries, including Kibby
37 Stream in Kibby Township, Skinner Township, T.3, R.5 B.K.P. W.K.R., T.4,

1 R.5 B.K.P. W.K.R., King and Bartlett Township and T.5, R.6 B.K.P.
2 W.K.R.; and

3 (l) Togus Stream in the Town of Chelsea and the Town of Randolph.

4 **Sec. 3. Department of Inland Fisheries and Wildlife; review of critical**
5 **and high-value brook trout habitat.** By December 1, 2015, the Department of
6 Inland Fisheries and Wildlife shall review data, conduct site visits and collect any
7 additional information necessary to determine whether the specific areas listed in the
8 Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G,
9 subparagraph (4), as they relate to critical or high-value habitat for brook trout, continue
10 to represent critical or high-value habitat for brook trout, and whether there are areas not
11 listed that represent additional critical or high-value brook trout habitat that should be
12 closed to motorized recreational gold prospecting. At a minimum and to the extent
13 applicable to brook trout habitat, this review must include an examination of the
14 following areas: Sandy River and tributaries above Farmington Falls; Sandy Stream and
15 tributaries in Carrying Place Township, Highland Plantation and Lexington Plantation;
16 Dead River and tributaries above Flagstaff Lake and between Grand Falls and The Forks
17 Plantation; and Kennebec River tributaries between the Indian Pond Dam in Chase
18 Stream Township and Indian Stream Township and the Williams Dam in the Town of
19 Solon. By January 15, 2016, the department shall submit recommendations, if any, to
20 add or remove areas of critical or high-value brook trout habitat on the list of areas closed
21 to motorized recreational gold prospecting under Title 38, section 480-Q, subsection 5-A,
22 paragraph G, subparagraph (4) to the joint standing committee of the Legislature having
23 jurisdiction over environmental and natural resources matters, and the committee may
24 report out a bill relating to these recommendations to the Second Regular Session of the
25 127th Legislature.

26 **Sec. 4. Department of Marine Resources; review of critical and high-**
27 **value Atlantic salmon habitat.** By December 1, 2015, the Department of Marine
28 Resources shall review data, conduct site visits and collect any additional information
29 necessary to determine whether the specific areas listed in the Maine Revised Statutes,
30 Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4), as they relate to
31 critical or high-value habitat for Atlantic salmon, continue to represent critical or high-
32 value habitat for Atlantic salmon, and whether there are areas not listed that represent
33 additional critical or high-value Atlantic salmon habitat that should be closed to
34 motorized recreational gold prospecting. At a minimum and to the extent applicable to
35 Atlantic salmon habitat, this review must include an examination of the following areas:
36 Sandy River and tributaries above Farmington Falls; Sandy Stream and tributaries in
37 Carrying Place Township, Highland Plantation and Lexington Plantation; Dead River and
38 tributaries above Flagstaff Lake and between Grand Falls and The Forks Plantation; and
39 Kennebec River tributaries between the Indian Pond Dam in Chase Stream Township and
40 Indian Stream Township and the Williams Dam in the Town of Solon. By January 15,
41 2016, the department shall submit recommendations, if any, to add or remove areas of
42 critical or high-value Atlantic salmon habitat on the list of areas closed to motorized
43 recreational gold prospecting under Title 38, section 480-Q, subsection 5-A, paragraph G,
44 subparagraph (4) to the joint standing committee of the Legislature having jurisdiction
45 over environmental and natural resources matters, and the committee may report out a bill

1 relating to these recommendations to the Second Regular Session of the 127th
2 Legislature.

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

5 **SUMMARY**

6 This amendment, which is the majority report of the Joint Standing Committee on
7 Environment and Natural Resources, changes the title and replaces the bill. This
8 amendment prohibits motorized recreational gold prospecting in waters classified as
9 Class AA waters and certain stream segments that contain important brook trout and
10 Atlantic salmon habitats. This amendment establishes that by December 1, 2015, the
11 Department of Inland Fisheries and Wildlife and the Department of Marine Resources are
12 directed to review data, conduct site visits and collect any additional information
13 necessary to determine whether these statutorily specified stream segments continue to
14 represent critical or high-value brook trout or Atlantic salmon habitat, and whether there
15 are areas not listed that represent additional critical or high-value brook trout or Atlantic
16 salmon habitat that should be closed to motorized recreational gold prospecting. By
17 January 15, 2016, each department is further directed to submit any recommendations for
18 the addition or removal of areas of critical or high-value brook trout or Atlantic salmon
19 habitat on the list of areas closed to motorized recreational gold prospecting under the
20 Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G,
21 subparagraph (4) to the joint standing committee of the Legislature having jurisdiction
22 over environmental and natural resources matters, and the committee is authorized to
23 report out a bill relating to the recommendations to the Second Regular Session of the
24 127th Legislature.