

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 60

6
7 H.P. 54

House of Representatives, January 5, 1983

8 Reference to the Committee on Energy and Natural Resources suggested
9 and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Webster of Farmington.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Exempt Gold Panning from
18 State Regulation.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 12 MRSA §685-A, sub-§3 as amended by PL
23 1979, c. 127, §65, is further amended to read:

24 3. Land use standards. The commission, acting on
25 principles of sound land use planning and develop-
26 ment, shall prepare land use standards prescribing
27 standards for the use of air, lands and waters.
28 Except as provided in this chapter, these standards
29 shall be adopted by the commission in accordance with
30 the procedures set forth in Title 5, chapter 375,
31 subchapter II. Notwithstanding any other provision
32 of this chapter, the commission may make no rule gov-
33 erning panning, sluicing or other method used for the
34 exploration of gold, provided these methods do not

1 require the erection of permanent structures or the
2 use of motor driven machinery.

3 In addition to the purposes set forth in section 681,
4 the land use standards shall:

5 A. Encourage the most desirable and appropriate
6 use of air, land and water resources consistent
7 with the comprehensive land use plan;

8 B. Protect public health by reduction of noise,
9 air pollution, water pollution and other environ-
10 mental intrusions;

11 C. Protect and preserve significant natural,
12 scenic and historic features where appropriate,
13 beneficial and consistent with the comprehensive
14 land use plan;

15 D. Advise and assist the Department of Trans-
16 portation and other concerned agencies in trans-
17 portation planning and operation;

18 D-1. Provide for safe and appropriate loading,
19 parking and circulation of land, air and water
20 traffic;

21 E. Encourage minimal adverse impact of one use
22 upon the use of surrounding areas by setting
23 standards of performance describing desirable and
24 acceptable levels of operation in connection with
25 any use and its relation to surrounding areas,
26 including provisions for the eventual ameliora-
27 tion of existing adverse impact;

28 F. Reflect a consideration of the availability
29 and capability of the natural resources base,
30 including soils, topography or sufficient health-
31 ful water supplies.

32 Sec. 2. 12 MRSa §7780, sub-§3 is enacted to read:

33 3. Gold exploration. Notwithstanding section
34 7776, that section shall not apply to gold panning,
35 sluicing or other method of exploring for gold, pro-
36 vided that no permanent structure is erected, nor any

1 motor driven machinery is used, in pursuit of such
2 exploratory activity.

3

STATEMENT OF FACT

4 The purpose of this bill is to eliminate the re-
5 quirement of gold prospectors to obtain permits from
6 either the Department of Inland Fisheries and Wild-
7 life or the Land Use Regulation Commission prior to
8 exploring for gold. Both state agencies retain their
9 authority to regulate this activity, however, if per-
10 manent structures are to be erected, or if motor
11 driven machinery is to be used, by prospectors in
12 pursuit of the exploratory work.

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