

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1135

H.P. 800

House of Representatives, March 21, 2013

An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLACK of Wilton.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: CHAPMAN of Brooksville, CRAY of Palmyra, CROCKETT of Bethel,
DILL of Old Town, KENT of Woolwich, LONG of Sherman, MAREAN of Hollis, WELSH of
Rockport.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA §480-Q, sub-§5-A** is enacted to read:

3 **5-A. Motorized recreational gold prospecting.** Notwithstanding section 480-C, a
4 permit is not required for motorized recreational gold prospecting.

5 A. A person may perform motorized recreational gold prospecting only from June
6 15th to September 15th and only with written permission of the relevant landowner.

7 B. A person may not perform motorized recreational gold prospecting that causes an
8 undue adverse effect on natural resources. The area in which the motorized
9 recreational gold prospecting is performed must be kept free of litter, trash and any
10 other materials that may constitute a hazardous or nuisance condition.

11 C. The following provisions limit the use of equipment in motorized recreational
12 gold prospecting.

13 (1) Equipment may not have any fuel, oil or hydraulic leaks or cause any
14 unlicensed discharge.

15 (2) Motorized equipment may not exceed 6 horsepower.

16 (3) The inside diameter of a suction dredge intake nozzle may not exceed 4
17 inches.

18 (4) The area of a sluice may not exceed 10 square feet.

19 (5) A flume may not be used to transport water outside of a stream channel.

20 D. A person may not use mercury, nitric acid or other chemicals for extraction in
21 motorized recreational gold prospecting.

22 E. A person may not perform motorized recreational gold prospecting in a manner
23 that:

24 (1) Disturbs a stream bank, including but not limited to digging into the bank or
25 dredging or altering water flow within a stream channel in a manner that causes
26 the bank to erode or collapse;

27 (2) Removes or damages vegetation or woody debris such as root wads, stumps
28 or logs within a stream channel, on the bank or on nearby upland, including
29 cutting or abrasion of trees;

30 (3) Diverts, dams or otherwise obstructs a stream;

31 (4) Deposits soil, rocks or any other foreign material from outside of the channel
32 into a stream; or

33 (5) Deposits stream bottom sediments or rocks onto the bank or upland.

34 F. Upon completion of one or more consecutive days of motorized recreational gold
35 prospecting, a person who performed the motorized recreational gold prospecting
36 shall smooth out dredge spoils and refill dredge holes below the normal high-water
37 mark of the stream in order to restore the approximate original contours of the stream
38 bottom and not deflect the current.

