

MAINE STATE LEGISLATURE

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2008

L.D. 1723

DATE: 3.24.04

(Filing No. S-450)

NATURAL RESOURCES

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 656, L.D. 1723, Bill, "An Act To Establish a Monitoring Program of Maine Lakes Identified as Having Invasive Aquatic Species"

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

'An Act To Amend the Laws Regarding Invasive Aquatic Species'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §13058, sub-§§1 and 2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

1. Prohibition. A person may not place or operate a motorboat or personal watercraft on the inland waters of the State unless a lake and river protection sticker issued under subsection 3 is affixed to both sides of the bow above the water line and approximately 3 inches behind the validation sticker required under section 13056.

2. Violation. A person who places or operates a motorboat or personal watercraft upon the inland waters of the State without displaying a lake and river protection sticker as required by subsection 1 commits a civil violation for which a ~~forfeiture~~ fine of not less than \$100 and not more than \$250 per violation may be adjudged, ~~except that a citation for a violation of this subsection may not be issued to a person who is also issued a citation at the same time for a violation of any other~~

COMMITTEE AMENDMENT

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provision--of--this--chapter--regulating--watercraft,--other--than
section-13073. A forfeiture fine imposed under this subsection
may not be waived suspended by the court.

Sec. 2. 12 MRSA §13058, sub-§2-A is enacted to read:

2-A. Class E crime. A person who violates subsection 1
after having been adjudicated of having committed 3 or more civil
violations under this Part within the previous 5-year period
commits a Class E crime.

Sec. 3. 12 MRSA §13068, sub-§15, as enacted by PL 2003, c.
414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the
following enacted in its place:

15. Violation of surface use restriction order. A person
may not operate, launch or remove a watercraft at a
restricted-access site or refuse inspection of a watercraft in
violation of an order issued under Title 38, section 1864.

A. A person who violates this subsection commits a civil
violation for which a fine of not less than \$500 and not
more than \$5,000 per violation may be adjudged. A fine
imposed under this subsection may not be suspended by the
court.

B. A person who violates this subsection after having been
adjudicated of having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
Class E crime.

Sec. 4. 12 MRSA §13072, sub-§§1 and 2, as enacted by PL 2003,
c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

1. Appointment; compensation. The municipal officers of a
town bordering an inland waterway may appoint a harbor master for
a term of not less than one year and may establish the harbor
master's compensation. The Except as provided in subsection 2-A,
the harbor master is subject to all the duties and liabilities of
that office as prescribed by state law, municipal ordinances and
rules promulgated by the municipality. The municipal officers
may remove the harbor master from office for cause, declared in
writing, after due notice to the harbor master and a hearing, if
requested.

The municipal officers may prohibit a harbor master from making
an arrest or carrying a weapon. A harbor master who is not
prohibited from making arrests may arrest and deliver to the law
enforcement authorities on shore any person committing an assault

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2 upon the harbor master or another person acting under the harbor
master's authority.

4 2. Authority and responsibility. A Except as provided in
6 subsection 2-A, a harbor master appointed under this section
8 shall enforce the watercraft laws of the State and the
municipality on any water within the jurisdiction of the
municipality.

10 Sec. 5. 12 MRSA §13072, sub-§2-A is enacted to read:

12 2-A. Authority to enforce invasive aquatic species laws. A
14 municipality may appoint a harbor master whose only duties are to
enforce the provisions of section 13058 and section 13068,
16 subsections 1 and 15 on any water within the jurisdiction of the
municipality.

18 Sec. 6. 38 MRSA §419-C, sub-§1, ¶¶B and C, as enacted by PL
20 1999, c. 722, §2, are amended to read:

22 B. Possess, import, cultivate, transport or distribute any
24 invasive aquatic plant or parts of any invasive aquatic
plant, including roots, rhizomes, stems, leaves or seeds, in
a manner that could cause the plant to get into any state
waters; ~~or~~

26 C. After September 1, 2000, sell or offer for sale in this
28 State any invasive aquatic plant; ~~or~~

30 Sec. 7. 38 MRSA §419-C, sub-§1, ¶D is enacted to read:

32 D. Fail to remove any aquatic plant or parts of any aquatic
34 plant, including roots, rhizomes, stems, leaves or seeds,
from the outside of a vehicle, boat, personal watercraft,
36 boat trailer or other equipment on a public road.

38 Sec. 8. 38 MRSA §1864, first ¶, as enacted by PL 2001, c. 434,
Pt. A, §7, is amended to read:

40 The commissioner and the Commissioner of Inland Fisheries
42 and Wildlife may jointly issue an emergency order to restrict
access to or restrict or prohibit the use of any watercraft on
44 all or a portion of a water body that has a confirmed infestation
of an invasive aquatic plant. The order must be for a specific
46 period of time and may be issued only when the use of watercraft
on that water body threatens to worsen or spread the infestation.
48 The order may require that watercraft on waters affected by the
order be taken out of the water only at locations identified in
50 the order ~~and be inspected and cleaned by the department upon~~
removal. The order may require inspections and cleaning of
watercraft, watercraft trailers and equipment upon removal at

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2 sites that have been identified in the order. Inspections must
3 be conducted by designated state boat inspectors. For purposes
4 of this section, "designated state boat inspector" means a person
5 employed by the State and identified by the department or the
6 Department of Inland Fisheries and Wildlife as a person who is
7 qualified to properly conduct inspection activities.'

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SUMMARY

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The amendment replaces the bill and does the following.

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1. It changes the title of the bill.

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2. It provides that a person may not place a watercraft on inland waters without a lake and river protection sticker.

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3. It adds the provision that a person who operates a watercraft on inland waters without a sticker commits a civil violation.

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4. It removes the restriction that only warnings can be issued for sticker violations when there are other boating law violations.

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5. It provides that a person commits a Class E crime if that person places or operates a watercraft on inland waters without a sticker after committing 3 or more violations of inland fisheries and wildlife laws within the last 5 years.

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6. It provides that if a person operates, launches or removes a watercraft at a restricted access site or refuses inspection of a watercraft in violation of a surface use restriction order, that person commits a civil violation. If that person has committed 3 or more violations of Inland Fisheries and Wildlife laws within 5 years, that person commits a Class E crime.

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7. It allows a municipality to appoint a harbor master only to enforce the invasive species laws.

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8. It requires a person to remove aquatic plants or parts of plants from a vehicle, watercraft or trailer.

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9. It allows the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to restrict access to an infested water body by issuing an emergency order. It also allows the commissioners to require inspections and cleaning of watercraft and trailers at sites identified in the

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order. Designated state boat inspectors must conduct the inspections.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1723

**An Act To Establish a Monitoring Program of Maine Lakes Identified as
Having Invasive Aquatic Species**

LR 2359(02)

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Establishes new civil violations
Establishes new Class E crimes

Fiscal Detail and Notes

Costs associated with restricting access to an infested water body and requiring inspections and cleaning of watercraft and trailers can be absorbed by the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife utilizing existing budgeted resources.