

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1723

S.P. 656

In Senate, December 17, 2003

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

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

Received by the Secretary of the Senate on December 17, 2003. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.
Cosponsored by Representative SAVIELLO of Wilton and
Senators: DOUGLASS of Androscoggin, GAGNON of Kennebec, NASS of York, TREAT of
Kennebec, Representatives: COLLINS of Wells, CROSTHWAITE of Ellsworth, McKEE of
Wayne, MOODY of Manchester.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 38 MRSA §1862, sub-§2**, as enacted by PL 2001, c. 434,
Pt. A, §7, is amended to read:

6 **2. Other inspection stations allowed.** The program
7 established under this section also may include inspections at
8 boat launching sites on inland waters that ~~are-already-infested~~
9 ~~and-at-boat-launching-sites-on-the-inland-waters-that~~ have been
10 identified as most at risk of introduction of invasive aquatic
11 plants.

12 **Sec. 2. 38 MRSA §1862-A** is enacted to read:

13 **§1862-A. Lakes infested with invasive aquatic plant species:**
14 **monitoring and inspections**

15 **1. Inspection program.** The commissioner and the
16 Commissioner of Inland Fisheries and Wildlife jointly shall
17 establish a program to monitor and inspect watercraft, watercraft
18 trailers and outboard motors at all public access sites on lakes
19 that have been identified by the State as having invasive aquatic
20 plant species. For purposes of this section, "invasive aquatic
21 plant species" means invasive aquatic plants and other aquatic
22 plant species identified as invasive species by the Interagency
23 Task Force on Invasive Aquatic Plants and Nuisance Species
24 established in Title 5, section 12004-D, subsection 6.

25 **2. Access and inspection times.** The commissioner and the
26 Commissioner of Inland Fisheries and Wildlife shall jointly
27 determine times when public access sites are open for public use
28 and inspection based on use patterns, times of year and budgetary
29 constraints. In addition to those considerations, the
30 commissioner or the Commissioner of Inland Fisheries and Wildlife
31 may extend set inspection times when:

32 **A. A person petitions either department in writing; or**

33 **B. A person elects to pay an hourly fee, set jointly by the**
34 **commissioner and the Commissioner of Inland Fisheries and**
35 **Wildlife, to cover costs associated with extending an**
36 **inspection period. Hourly fees paid under this paragraph**
37 **must be distributed in the manner prescribed under Title 12,**
38 **section 10206, subsection 6 for fees collected under section**
39 **13058, subsection 3.**

40 Times when public access is permitted must be posted at each
41 public access site and in the local paper and distributed with
42 all Maine boating registrations and on the department's publicly
43 accessible site on the Internet.

2 **3. Securing access sites.** Public access ramps to lakes
4 identified as having invasive aquatic plant species must be
 locked or otherwise secured to prevent access during
 noninspection hours.

6 **4. Inspection activities.** During inspection hours, a
8 designated state employee shall inspect all watercraft,
 watercraft trailers and outboard motors brought to a public
10 access site for ingress or egress for invasive aquatic plant
 species. A designated state employee may disseminate relevant
12 educational information to boaters and may provide instruction to
 boaters on the necessary and appropriate ways to remove
14 suspicious aquatic plants found inside or outside of a
 watercraft, watercraft trailer or on an outboard motor. For
16 purposes of this section, "designated state employee" means a
 person employed by the State at least part time and identified by
18 the department or the Department of Inland Fisheries and Wildlife
 as a person who is qualified to properly conduct inspection
20 activities.

22 **5. Compliance requirements; denial of access.** A person
24 shall comply with the inspection and monitoring process and take
 actions necessary to remove an invasive aquatic plant species
26 from that person's watercraft, watercraft trailer or outboard
 motor. A person who fails to comply with the inspection process
28 or fails to remove an aquatic plant from that person's
 watercraft, watercraft trailer or outboard motor upon the oral or
30 written request of a designated state employee must be denied
 access to the lake until that person complies with the designated
 state employee's recommendations.

32 **6. Prohibitions and penalties.** The failure to remove
34 aquatic plants from a watercraft, watercraft trailer or outboard
 motor and the use of closed public access sites have the
36 following penalties.

38 A. A person who fails to properly remove an aquatic plant
40 from that person's watercraft, watercraft trailer or
 outboard motor upon the oral or written request of a
 designated state employee commits a Class E crime.

42 B. A person who uses a public access site on a lake that
44 has been identified as having invasive aquatic plant species
 when that access site is closed commits a Class E crime.

46 **7. Funding.** The commissioner and the Commissioner of
48 Inland Fisheries and Wildlife shall fund the program established
 under subsection 1 jointly from revenues derived from lake and
50 river protection stickers issued under Title 12, section 13058

2 and at a level not to exceed 20% of the total annual revenue
3 collected under that section.

4 **Sec. 3. 38 MRSA §1863**, as amended by PL 2003, c. 414, Pt. B,
5 §73 and affected by Pt. D, §7, is further amended to read:

6 **§1863. Invasive Aquatic Plant and Nuisance Species Fund**

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10 The Invasive Aquatic Plant and Nuisance Species Fund,
11 referred to in this section as the "fund," is created within the
12 department as a nonlapsing fund. The fund is administered by the
13 commissioner. The fund is funded from fees collected for lake
14 and river protection stickers issued under Title 12, section
15 13058, subsection 3 and from other funds accepted for those
16 purposes by the commissioner or allocated or appropriated by the
17 Legislature. Money in the fund may be used only for costs
18 related to conducting inspections under ~~section~~ sections 1862 and
19 1862-A, conducting invasive aquatic plant prevention,
20 containment, eradication and management activities and
21 reimbursing agencies as necessary for costs associated with
22 conducting or enforcing the provisions of this chapter and
23 chapter 20-B. The commissioner may also use funds to contract
24 with municipalities or other entities to conduct inspection,
25 prevention or eradication programs to protect the inland waters
26 of the State from invasive aquatic plant and nuisance species.

27
28 **SUMMARY**

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30 This bill requires the Department of Environmental
31 Protection and the Department of Inland Fisheries and Wildlife to
32 establish a program to monitor and inspect watercraft at public
33 access points on lakes that have been identified by the State as
34 having invasive aquatic plants. The departments are jointly
35 required to set times when these public access sites would be
36 open for public use and inspection and requires that these access
37 sites be secured during closed periods to prevent access. Under
38 this bill, a person who fails to comply with the inspection
39 process or fails to remove an aquatic plant from that person's
40 watercraft, watercraft trailer or outboard motor upon the oral or
41 written request of the inspector must be denied access to the
42 lake until that person complies with the inspector's request.
43 The bill makes it a Class E crime to use a closed access point or
44 to fail to remove a suspicious aquatic plant from that person's
45 watercraft upon the oral or written request of an inspector.
46 Funding for the program would come from revenues derived from
47 lake and river protection stickers issued under the Maine Revised
48 Statutes, Title 12, section 13058.