

# MAINE STATE LEGISLATURE

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**Interagency Task Force on Invasive Aquatic Plants and Nuisance Species**

**January 15, 2025**

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Report to the Joint Standing Committees on Environment and Natural Resources, Inland Fisheries and Wildlife, and Marine Resources, 132<sup>nd</sup> Legislature, First Session

**Findings and Recommendations of  
the Interagency Task Force on  
Invasive Aquatic Plants and  
Nuisance Species to Reduce the  
Threat of Further Infestations**

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## **I. Purpose of Report**

Invasive species threaten freshwater and marine habitats and native species while burdening state agencies and local organizations with prevention, detection and control costs. In 2001, the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species was established to advise natural resource-related agencies on matters pertaining to research, control and eradication of invasive aquatic plants and nuisance species. P.L. 2021, ch. 522 amended existing statute regarding the role of the task force (38 M.R.S. §1871) and required that, on or before January 15, 2023, and biennially thereafter, the task force submit to the Legislative committees of jurisdiction for the Departments of Environmental Protection, Inland Fisheries and Wildlife, Marine Resources a report containing its findings and recommendations, including any suggested legislation, on matters relating to controlling the introduction of invasive aquatic plants and nuisance species in the State. Chapter 522 also requires that the task force convene a stakeholder group in developing findings and recommendations. The stakeholder group provided input to the Task Force in preparation of this report.

The Task Force is composed of twelve Governor-appointed public members and the Commissioners of Department of Environmental Protection (DEP) (Chair), Department of Inland Fish and Wildlife (IFW), Department of Health and Human Services (DHHS) and Department of Agriculture, Conservation and Forestry (DACF). Eleven public members were appointed and reappointed by Governor Mills in November 2022; DEP is seeking a candidate to fill the final seat. See Appendix 1 for Task Force membership.

## **II. Task Force Activity in 2023 and 2024**

The Task Force met once in 2023 and twice in 2024. Items discussed at meetings during this period involved prevention, detection and control of aquatic invasive plants and animals. Several of these topics, grouped broadly below, require additional consideration and information gathering before the Task Force can determine whether to make recommendations to the Legislature.

### Spread Prevention

- Prohibiting transport of aquatic invasive organisms
- Continued installation of Clean, Drain, Dry signs throughout State, municipal and private boat access sites
- Promoting Clean, Drain, Dry to prevent spread of aquatic invasive plants and animals through Community Based Social Marketing<sup>1</sup>.
- Feasibility of prohibiting planting vegetation in state waters

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<sup>1</sup> Two-year DEP contract started fall 2023 with a firm to guide DEP and DIFW project.

### Planning, capacity and funding

- Review of Maine’s 2006 Rapid Response Plan including ways to expedite response to new infestations, consideration of new treatment methods, and the process for considering surface use restrictions
- Increasing Maine DIFW staffing for aquatic invasive species
- The significant outlay of financial and in-kind match provided by local and regional groups working on aquatic invasive species
- Potential for permit requirements for recreational activities on waters with infestations to limit spread of aquatic invasive species within and to other waters
- Feasibility of requiring inspections on infested waters and those waters at high risk of infestation
- Instituting a fee for non-motorized watercraft

Of these topics discussed in 2023 and 2024, the Task Force agreed to focus on review and revision of the Rapid Response Plan. A subset of Task Force members along with DEP and DIFW staff reviewed the plan and suggested changes. See Section III below for initial changes recommended by the Task Force. Review of the Rapid Response Plan by agency staff and Task Force members will continue in 2025 and 2026 and may result in additional recommendations for the legislative committees in the next report in 2027.

### **III. Task Force Findings and Recommendations for the 132nd Legislature**

The Task Force recommends that the legislature consider changes to the 38 §1864 Emergency authority to regulate surface use. This statute allows the commissioners of the Department of Environmental Protection and Inland Fisheries and Wildlife to issue an emergency order to restrict or prohibit use of watercraft on a waterbody with an invasive aquatic plant. The intent is to prevent spread of the plant and allow for safe conditions during removal and control of the plant.

The recommended changes to this statute are as follows:

1. Allow the commissioners to issue an order on a water body with a confirmed infestation of an invasive aquatic animal. Existing current statute allows the restriction only when there is a confirmed infestation of an invasive aquatic plant.

2. Allow the commissioners to require that watercraft be launched only at locations identified in the order. Currently commissioners may only require removal of boats at specific locations.
3. In cases where a surface use restriction order requires inspections, remove the requirement that, inspections be conducted by a state employee. The inspector must be state-trained but contracting with a state-trained inspector is more feasible and cost effective than requiring that a state employee perform the function.

A mark-up of potential changes is in Appendix B.

#### **IV. Summary**

The threats posed by aquatic invasive species are likely to increase. The Task Force will continue to meet annually, maintain active members, and involve the stakeholder group in deliberations. The collaborative work among agencies, particularly between DEP and DIFW, is strong and will continue to evolve.

## Appendix 1

### Task Force Members

#### Interagency Task Force on Invasive Aquatic Plants and Nuisance Species January 2025 Membership

Four ex officio voting members:

- |   |                   |
|---|-------------------|
| 1. Commissioner of DEP or commissioner's designee (chair) | John McPhedran    |
| 2. Commissioner of DIFW or designee                       | Dakota Stankowski |
| 3. Commissioner of DHHS or designee                       | Susan Breau       |
| 4. Commissioner of DACF or designee                       | Eric Doucette     |

Twelve members representing the public appointed by the Governor:

- |  |                  |
|--|------------------|
| 1. Representative of the State's Lake associations   | Susan Gallo      |
| 2. Rep. of a statewide recreational watercraft owners association <i>vacant</i>  |                  |
| 3. Rep. of a statewide organization of marina owners   | Zach Stewart     |
| 4. Rep. of a lakes education program   | Laura Wilson     |
| 5. Rep. of public drinking water utilities   | Erica Kidd       |
| 6. Rep. of commercial tree and garden nurseries  | Jim Listowich    |
| 7. Rep. of home gardeners  | Jane Eberle      |
| 8. Rep. of municipal government  | Colin Holme      |
| 9. Rep. of statewide sporting association  | Craig Richardson |
| 10. Rep. of a statewide outdoor recreational group   | Pam Heuberger    |
| 11. Person with demonstrated expertise in lake ecology   | Roberta Hill     |
| 12. Person who has demonstrated experience or interest in the area of threats to fish and wildlife posed by invasive aquatic plants and nuisance species | Bob Chapin       |

## Appendix 2

### Suggested changes to §1864 Emergency authority to regulate surface use

The commissioner and the Commissioner of Inland Fisheries and Wildlife may jointly issue an emergency order to restrict access to or restrict or prohibit the use of any watercraft on all or a portion of a water body that has a confirmed infestation of an invasive aquatic plant or animal. The order must be for a specific period of time and may be issued only when the use of watercraft on that water body threatens to worsen or spread the infestation. The order may require that watercraft using on waters affected by the order be taken out of or launched on the water only at locations identified in the order. The order may require inspections and cleaning of watercraft, watercraft trailers and equipment upon removal at sites that have been identified in the order. Inspections must be conducted by designated state -trained boat inspectors. For purposes of this section, "designated state boat inspector" means a person employed-trained by the State and identified by the department or the Department of Inland Fisheries and Wildlife as a person who is qualified to properly conduct inspection activities.