

MAINE STATE LEGISLATURE

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DATE: 3-29-00

(Filing No. H-970)

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1843, L.D. 2581, Bill, "An Act to Prohibit the Importation of Milfoil into State Waters"

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

'An Act to Prevent the Spread of Invasive Aquatic Plants'

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

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, invasive aquatic plants present an imminent threat to state waters; and

Whereas, it is important to prevent the transport of invasive aquatic plants into the State on boats and trailers because eradication is nearly impossible once an infestation occurs; and

Whereas, the summer boating season will begin prior to 90 days after adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

COMMITTEE AMENDMENT

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

4 **Sec. 1. 38 MRSA §410-N is enacted to read:**

6 **§410-N. Aquatic nuisance species control**

8 **1. Definitions.** As used in this section and section 419-C,
10 unless the context otherwise indicates, the following terms have
the following meanings.

12 A. "Aquatic plant" means a vascular plant species that
14 requires a permanently flooded freshwater habitat.

16 B. "Invasive aquatic plant" means a species identified by
18 the department through rulemaking as an invasive aquatic
plant or one of the following species:

20 (1) Eurasian water milfoil, *Myriophyllum spicatum*;

22 (2) Variable-leaf water milfoil, *Myriophyllum*
heterophyllum;

24 (3) Parrot feather, *Myriophyllum aquaticum*;

26 (4) Water chestnut, *Trapa natans*;

28 (5) Hydrilla, *Hydrilla verticillata*;

30 (6) Fanwort, *Cabomba caroliniana*;

32 (7) Curly pondweed, *Potamogeton crispus*;

34 (8) European naiad, *Najas minor*;

36 (9) Brazilian elodea, *Egeria densa*;

38 (10) Frogbit, *Hydrocharis morsus-ranae*; and

40 (11) Yellow floating heart, *Nymphoides peltata*.

42 Rules adopted pursuant to this paragraph are routine
44 technical rules as defined in Title 5, chapter 375,
subchapter II-A.

46 **2. Education.** The department shall prepare educational
48 materials that inform the public about problems associated with
invasive aquatic plants, how to identify invasive aquatic plants,
50 why it is important to prevent the transportation of aquatic
plants and the prohibitions relating to aquatic plants contained

2 in section 419-C. The department shall make the materials
3 available to municipalities, lake associations, water quality
4 monitors, law enforcement agents, businesses that sell aquatic
5 plants in the State and other interested individuals.

6 A. The department shall provide signs for installation at
7 all state boat launch facilities on fresh waters informing
8 the public about the prohibition of aquatic plant
9 transportation on boats and trailers and may provide these
10 signs, as available funds allow, for installation at other
11 boat launch sites including municipal boat launch
12 facilities, campground boat launch facilities and other
13 commonly used launch sites.

14 B. The department shall work with the Department of
15 Transportation and the Maine Turnpike Authority to provide
16 signs and educational materials on all major roads at the
17 State's borders advising incoming boat owners that state law
18 requires all boats and trailers to be free of aquatic plant
19 material.

20
21 3. Control. The department shall investigate and document
22 the occurrence of invasive aquatic plants in state waters and may
23 undertake activities to control invasive aquatic plant
24 populations as follows.

25
26 A. The department or a person designated by the department
27 may attempt eradication of an invasive aquatic plant from a
28 water body if determined feasible by the department. If the
29 commissioner determines that eradication activities must be
30 undertaken immediately, a license is not required under
31 section 413 or section 480-C for the use of a physical,
32 chemical or biological control material by the department or
33 a person designated by the department if the use of the
34 control material is specifically related to the immediate
35 eradication of invasive aquatic plant populations in the
36 water body. Prior to undertaking an eradication activity
37 and to the extent practical, the department shall notify
38 landowners whose property is adjacent to the area where the
39 activity will be undertaken.

40
41 B. The department may conduct research to test new control
42 methods for the eradication of invasive aquatic plants
43 pursuant to section 362-A.

44
45 **Sec. 2. 38 MRS §419-C is enacted to read:**

46
47 **§419-C. Prevention of the spread of invasive aquatic plants**

48
49 **1. Prohibition. A person may not:**

2 A. Transport any aquatic plant or parts of any aquatic
4 plant, including roots, rhizomes, stems, leaves or seeds, on
 the outside of a vehicle, boat, personal watercraft, boat
 trailer or other equipment on a public road;

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

12 C. After September 1, 2000, sell or offer for sale in this
14 State any invasive aquatic plant.

16 2. Enforcement. A law enforcement officer may detain a
18 vehicle, boat, personal watercraft, boat trailer or other
 equipment that is on a public road and that has visual evidence
20 of any attached aquatic plant material. The law enforcement
 officer may require the immediate inspection, removal and proper
 disposal of any aquatic plant or plant parts.

22 3. Penalty. A person who intentionally violates this
24 section commits a civil violation for which a warning may be
26 issued for the first violation, a forfeiture not to exceed \$50
 may be adjudged for the 2nd violation and a forfeiture not to
 exceed \$500 may be adjudged for a subsequent violation.

28 **Sec. 3. Report; invasive aquatic species control.** The Department
30 of Environmental Protection and the Department of Inland
32 Fisheries and Wildlife shall jointly submit a report on invasive
 aquatic species control, including recommendations and
34 implementing legislation, to the joint standing committees of the
 Legislature having jurisdiction over natural resources matters
 and inland fisheries matters by January 15, 2001. The report
36 must address at least the following:

38 1. Identification of other biological threats to the
40 State's waters including invasive animal species that may become
 a nuisance;

42 2. Further education, awareness and prevention efforts
44 needed to stop the introduction and spread of invasive species;

46 3. Methods to control the spread of invasive species should
48 any become established in the State, including quarantine
 authority;

50 4. Enforcement of the prohibitions in the Maine Revised
 Statutes, Title 38, section 419-C;

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2 5. The status of cooperation from other state agencies in
educating the public about invasive aquatic species; and

4
6 6. Recommendations for necessary funding to support the
prevention and control of invasive aquatic species.

8 In preparing the report, the departments shall consult with
interested parties, including representatives of the following:
10 the Maine Volunteer Lake Monitoring Program, lake associations,
lakeshore owners, boat owners, sporting interests, business
12 interests, marina owners, campground owners, environmental
organizations, other state or federal agencies and interested
14 agencies in neighboring states and provinces. The joint standing
committee of the Legislature having jurisdiction over natural
16 resources matters is authorized to report out a bill concerning
invasive aquatic species control to the First Regular Session of
18 the 120th Legislature.

20 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.'

22
24 Further amend the bill by inserting at the end before the
summary the following:

26
28 **FISCAL NOTE**

30 The Department of Environmental Protection will incur some
minor additional costs to adopt certain rules, to prepare certain
32 educational materials, to post certain informational signs at
state boat launch facilities, to work with the Department of
34 Transportation and the Maine Turnpike Authority to provide
certain highway signs and to submit a required report to the
Legislature. These costs can be absorbed within the department's
36 existing budgeted resources.

38 The Department of Transportation and the Maine Turnpike
Authority will incur some minor additional costs to provide
40 certain highway signs and educational materials. These costs can
be absorbed within the agencies' existing budgeted resources.

42
44 The Department of Inland Fisheries and Wildlife will incur
some minor additional costs to work with the Department of
46 Environmental Protection to submit a required report to the
Legislature. These costs can be absorbed within the department's
existing budgeted resources.

48
50 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system

2 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
4 General Fund revenue by minor amounts.'

6 **SUMMARY**

8 This amendment replaces the bill and adds an emergency
preamble and clause. The amendment requires the Department of
10 Environmental Protection to prepare and make available
educational materials to inform the public about invasive aquatic
12 plants. The amendment requires the department to investigate and
document the occurrence of invasive aquatic plants and authorizes
14 the department to undertake activities to control invasive
aquatic plants.

16 The amendment prohibits the transportation of aquatic plants
18 on public roads, prohibits the possession, importation,
cultivation, transportation or distribution of invasive aquatic
20 plants in a manner that could cause the plant to get into any
state waters and prohibits the sale of invasive aquatic plants
22 after September 1, 2000.

24 The amendment requires the Department of Environmental
Protection and the Department of Inland Fisheries and Wildlife to
26 submit a report on invasive aquatic species control, including
recommendations and implementing legislation, to the joint
28 standing committees of the Legislature having jurisdiction over
natural resources matters and inland fisheries matters by January
30 15, 2001.

32 This amendment also adds a fiscal note to the bill.