

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1626

H.P. 1198

House of Representatives, December 30, 2013

**An Act To Leverage Expert, State-based Resources for Emergent
Intervention and Long-term Comprehensive Resource Protection of
Lakes**

(EMERGENCY)

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

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McCLELLAN of Raymond.
Cosponsored by Representatives: GILLWAY of Searsport, HUBBELL of Bar Harbor,
KINNEY of Limington, POULIOT of Augusta, WILSON of Augusta.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** invasive aquatic plants such as milfoil are infesting many of Maine's lakes
4 and a comprehensive, coordinated and long-term plan is necessary to remove and control
5 these infestations; and

6 **Whereas,** to control infestations of invasive aquatic plants, 3 cleanups per year for 3
7 years are recommended; and

8 **Whereas,** the milfoil infestation problem is worsening and needs to be addressed
9 immediately; and

10 **Whereas,** raising watercraft fees for the next boating season will provide revenue
11 needed to address the issue; and

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

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

17 **Sec. 1. 12 MRSA §10206, sub-§3, ¶C,** as amended by PL 2013, c. 368, Pt.
18 AAA, §1, is further amended to read:

19 C. All revenues collected under the provisions of this Part relating to watercraft,
20 including chapter 935, including fines, fees and other available money deposited with
21 the Treasurer of State, must be distributed as undedicated revenue to the General
22 Fund and the Department of Marine Resources according to a formula that is jointly
23 agreed upon by the Commissioner of Inland Fisheries and Wildlife and the
24 Commissioner of Marine Resources biannually that pays to the department the
25 administrative costs of the Division of Licensing and Registration. The Legislature
26 shall appropriate to the department in each fiscal year an amount equal to the
27 administrative costs incurred by the department in collecting revenue under this
28 subsection. Those costs must be verified by the Department of Marine Resources and
29 the Department of Administrative and Financial Services. The remainder of revenues
30 after reduction for administrative costs and after allowing for any necessary year-end
31 reconciliation and accounting distribution must be allocated 75% to the department
32 and 25% to the Department of Marine Resources and approved by the Department of
33 Administrative and Financial Services, Bureau of the Budget.

34 The fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft
35 operating on inland waters of the State each include a ~~\$10~~ \$17 fee from residents and
36 a \$35 fee from nonresidents for invasive species prevention and control. This fee is
37 disposed of as follows:

1 (1) Sixty percent of the fee must be credited to the Invasive Aquatic Plant and
2 Nuisance Species Fund established within the Department of Environmental
3 Protection under Title 38, section 1863; and

4 (2) Forty percent of the fee must be credited to the Lake and River Protection
5 Fund established within the department under section 10257.

6 **Sec. 2. 12 MRSA §13056, sub-§8, ¶A,** as amended by PL 2009, c. 213, Pt. OO,
7 §14, is further amended to read:

8 A. For a watercraft requiring or whose owner requests a certificate of number and
9 that is equipped with a motor having a manufacturer's horsepower rating of:

10 (1) Ten horsepower or less, the fee is ~~\$25~~ \$32 for residents and \$50 for
11 nonresidents for operating on inland waters of the State and \$15 for operating
12 only on tidal waters of the State;

13 (2) Greater than 10, but not more than 50 horsepower, the fee is ~~\$30~~ \$37 for
14 residents and \$55 for nonresidents for operating on inland waters of the State and
15 \$20 for operating only on tidal waters of the State; and

16 (3) Greater than 50 horsepower but not more than 115 horsepower, the fee is ~~\$36~~
17 \$43 for residents and \$67 for nonresidents for operating on inland waters of the
18 State and \$26 for operating only on tidal waters of the State.

19 **Sec. 3. 12 MRSA §13056, sub-§8, ¶B,** as amended by PL 2009, c. 213, Pt. OO,
20 §15, is further amended to read:

21 B. For a personal watercraft requiring or whose owner requests a certificate of
22 number and watercraft equipped with a motor having a manufacturer's horsepower
23 rating of 115 horsepower or greater, the fee is ~~\$44~~ \$51 for residents and \$76 for
24 nonresidents for operating on inland waters of the State and \$34 for operating only on
25 tidal waters of the State.

26 **Sec. 4. 12 MRSA §13058, sub-§3,** as amended by PL 2009, c. 213, Pt. OO, §17,
27 is further amended to read:

28 **3. Nonresident motorboat and personal watercraft lake and river protection**
29 **sticker and resident and nonresident seaplane lake and river protection sticker; fee.**
30 No later than January 1st of each year, the commissioner shall provide each agent
31 authorized to register watercraft or issue licenses with a sufficient quantity of lake and
32 river protection stickers for motorboats and personal watercraft not registered in the State
33 and for all seaplanes, whether or not registered in the State, for that boating season. The
34 sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the
35 bow of a motorboat or personal watercraft or to each outside edge of a seaplane's
36 pontoons. The fee for a sticker issued under this subsection is ~~\$20~~ \$35. Each agent shall
37 retain \$1 for each sticker sold by that agent for which a fee is required. A motorboat,
38 personal watercraft or seaplane owned by the Federal Government, a state government or
39 a municipality is exempt from the fee established in this subsection.

40 **Sec. 5. 38 MRSA §1866** is enacted to read:

1 **§1866. Program established for invasive aquatic plants for lakes of more than**
2 **10,000 acres**

3 **1. Eradication and prevention of invasive aquatic plants.** The department shall
4 establish programs to eradicate and prevent the migration of invasive aquatic plants in the
5 State by:

6 A. Creating and maintaining a program that uses state-based resources and the
7 Invasive Aquatic Plant and Nuisance Species Fund under section 1863 to remove
8 invasive aquatic plant infestations in lakes of more than 10,000 acres in size. In
9 developing the program, the department shall include provisions for matching grants
10 for community-based lake associations to remove invasive aquatic plant infestations
11 based on size, location and density of infestation. For infested lakes over 10,000
12 acres, the department shall organize and provide for seasonal summer employment of
13 temporary help services or department staff for direct invasive aquatic plant removal;

14 B. Creating and maintaining a program for long-term management of future invasive
15 aquatic plant infestations for lakes of more than 10,000 acres in size. The program
16 must use state-based resources and funding to establish necessary interventions and to
17 plan for long-term comprehensive resource protection. In setting priorities for the
18 program, the department shall consider with respect to each lake:

19 (1) The quantity and extent of invasive aquatic plant infestations;

20 (2) The number of points of entry to the lake and an estimated volume of boat
21 travel, with a focus on lakes that have the potential of easy access to another lake;

22 (3) Whether the lake is easily accessible so that it may serve as an educational
23 resource for students in the State;

24 (4) The importance of the lake as a local natural resource to the community;

25 (5) The proximity of the lake to state parks, municipalities and places that attract
26 local residents and tourists;

27 (6) Whether the lake provides a public water supply or is in close proximity to a
28 public water supply; and

29 (7) The potential for wildlife observation, sports activities and educational
30 opportunities; and

31 C. Coordinating forums to facilitate the creation of community-based lake
32 associations for all lakes of more than 10,000 acres in size. The forums must include
33 representatives from municipalities, county governments, water districts and local
34 businesses and local community invasive aquatic plant infestation mitigation experts
35 and local residents to advise development and management of the long-term invasive
36 aquatic plant management program under paragraph B.

37 **Emergency clause.** In view of the emergency cited in the preamble, this
38 legislation takes effect when approved.

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SUMMARY

This bill increases the fees collected for watercraft operating on inland waters of the State by \$7 for residents and establishes a \$35 fee for nonresidents. It also directs the Department of Environmental Protection to establish a program within the department that uses the revenue from the increased fees to work on removing invasive aquatic plants that exist in lakes of 10,000 acres or more in area. The department is also directed to establish a long-term management program to prevent future infestation of invasive aquatic plants.