

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 907

H.P. 626

House of Representatives, March 12, 2015

An Act To Reduce Milfoil Infestations

(EMERGENCY)

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script, reading "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative POWERS of Naples. (BY REQUEST)

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 plants threaten the State's lakes, ponds and waterways; and

4 **Whereas,** for every year that an invasive plant is allowed to grow unchecked, the
5 invasive plant becomes more pervasive and more difficult to eradicate; and

6 **Whereas,** this legislation needs to take effect before the end of the 90-day period to
7 ensure that the measures this legislation proposes to deal with invasive plants can be
8 implemented this summer; and

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

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

14 **Sec. 1. 12 MRSA §13061, sub-§4, ¶C** is enacted to read:

15 C. An event authorized under subsection 1 must comply with Title 38 and, if there is
16 an invasive plant within the area of the event, the invasive plant may not be disturbed
17 and must be properly removed or the event must be relocated to a location approved
18 by the commissioner.

19 **Sec. 2. 12 MRSA §13061-A** is enacted to read:

20 **§13061-A. Permit for water-ski jump or slalom course**

21 **1. Permit required.** A person may not install, maintain or operate a water-ski jump
22 or slalom course without a permit from the commissioner issued under subsection 2. For
23 purposes of this section, "slalom course" means a series of flags or markers installed on a
24 body of water in a wavy or zigzag pattern through which a water-skier skis while being
25 pulled behind a motorized watercraft.

26 A. A person who violates this subsection commits a civil violation for which a fine
27 of not less than \$100 nor more than \$500 may be adjudged.

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

31 **2. Issuance.** The commissioner may issue a permit to a person permitting the person
32 to install, maintain and operate a water-ski jump or slalom course on any of the internal
33 waters of this State.

34 **3. Application.** The person in charge of a water-ski jump or slalom course shall
35 request the permit required under subsection 1 from the commissioner at least 15 days

1 prior to the installation of the water-ski jump or slalom course. The request must be in
2 writing and include:

3 A. The name, address and telephone number and cellular telephone number, if
4 applicable, of the applicant;

5 B. The name of the body of water on which the water-ski jump or slalom course is
6 located;

7 C. The municipality in which the body of water is located;

8 D. The brief description of the water-ski jump or slalom course including a map
9 depicting the area with the direction north as a reference and a sketch of the course
10 that includes its dimensions, jumps, flags or markers, depth of the water, underwater
11 obstacles, swim areas, floats and beaches in the area; and

12 E. The dates on which the water-ski jump or slalom course will be installed and on
13 which the water-ski jump or slalom course will be removed.

14 **4. Criteria.** The commissioner shall apply the following criteria when considering
15 an application for a permit under this section:

16 A. Any speed or horsepower restrictions on the body of water;

17 B. The existence of any endangered or threatened species;

18 C. Environmental considerations under Title 38, including the presence of invasive
19 plants and species;

20 D. Public safety, including the size of the body of water, boating traffic volume and
21 other uses and users in the area of the water-ski jump or slalom course; and

22 E. Compliance under this chapter.

23 **5. Jump or course requirements.** The following requirements apply to a permit
24 issued under this section.

25 A. The person obtaining the permit under subsection 2 shall provide reasonable
26 protection, as prescribed by the commissioner, from water traffic interference and
27 hazards and shall take reasonable precautions to safeguard persons, property and
28 public safety.

29 B. The water-ski jump or slalom course must comply with Title 38 and, if there is an
30 invasive plant within the area of the water-ski jump or slalom course, the invasive
31 plant may not be disturbed and must be properly removed or the water-ski jump or
32 slalom course must be relocated to a location approved by the commissioner.

33 **6. Penalty.** The following penalties apply to violations of subsection 5.

34 A. A person who violates subsection 5 commits a civil violation for which a fine of
35 not less than \$100 nor more than \$500 may be adjudged.

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

7. Rules. The department may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

SUMMARY

This bill provides that a permit from the Commissioner of Inland Fisheries and Wildlife is required to install, maintain or operate a water-ski jump or slalom course on the internal waters of the State and requires that if there is an invasive plant within the area of a regatta, race, boat exhibition, water-ski exhibition or water-ski jump or slalom course, the invasive plant may not be disturbed and must be properly removed or the event, jump or course must be relocated.