

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 359

H.P. 265

House of Representatives, February 2, 2017

An Act To Protect Maine Lakes and Ponds from Invasive Species

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GINZLER of Bridgton.

Cosponsored by Representative: FAY of Raymond, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 12 MRSA §10206, sub-§3**, as amended by PL 2013, c. 580, §1, is further
3 amended to read:

4 **3. Watercraft revenues.** Except as provided in ~~subsection~~ subsections 6 and 6-A,
5 all revenues collected under the provisions of this Part relating to watercraft, including
6 chapter 935, are disposed of as follows.

7 A. All fees collected for certificates, licenses and permits by the commissioner are
8 paid daily to the Treasurer of State and accrue as undedicated revenue to the General
9 Fund and as dedicated revenue to the Department of Marine Resources in accordance
10 with paragraph C.

11 B. Each court shall pay all fines, forfeitures and penalties collected for violations of
12 the provisions of this Part relating to watercraft, including chapter 935, and all
13 officers' costs collected for either coastal wardens or game wardens to the Treasurer
14 of State, monthly, and that money accrues as undedicated revenue to the General
15 Fund, except that all fines, forfeitures and penalties collected as a result of the efforts
16 of municipal law enforcement officers or harbor masters enforcing the provisions of
17 this Part relating to watercraft, including chapter 935, in their respective jurisdictions
18 are paid to that municipality for the local enforcement efforts. The department shall
19 record as dedicated revenue to the Department of Marine Resources that portion of
20 fines, forfeitures and penalties allocable to the Department of Marine Resources in
21 accordance with paragraph C.

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

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

40 (1) Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance
41 Species Fund; and

42 (2) Twenty percent must be credited to the Lake and River Protection Fund
43 established within the department under section 10257.

1 **Sec. 2. 12 MRSA §10206, sub-§6-A** is enacted to read:

2 **6-A. Invasive aquatic plant and nuisance species sticker revenues.** All fees
3 collected by the commissioner from the sale of stickers under section 13058-A,
4 subsection 3 must be paid daily to the Treasurer of State. The Treasurer of State shall
5 credit funds received under this subsection in accordance with the percentages stipulated
6 in section 13058-A, subsection 3.

7 **Sec. 3. 12 MRSA §13001, sub-§22-A** is enacted to read:

8 **22-A. Passive watercraft.** "Passive watercraft" means any type of nonmotorized
9 vessel, boat, canoe or craft capable of being used as a means of transportation on water.
10 "Passive watercraft" does not include a nonmotorized vessel, boat, canoe or craft located
11 and intended to be permanently docked in one location and not used as a means of
12 transportation on water.

13 **Sec. 4. 12 MRSA §13058-A** is enacted to read:

14 **§13058-A. Invasive aquatic plant and nuisance species sticker required**

15 **1. Prohibition.** A person may not place or operate a passive watercraft on the inland
16 waters of the State unless a valid invasive aquatic plant and nuisance species sticker,
17 referred to in this section as an "invasives sticker," issued under subsection 3 is
18 permanently affixed to each side of the bow of the passive watercraft above the waterline.
19 For any passive watercraft for which a validation sticker is required under section 13056
20 or a lake and river protection sticker is required under section 13058, the invasives sticker
21 must be affixed approximately 3 inches behind the sticker farthest from the bow of the
22 passive watercraft.

23 The invasives sticker is nontransferable.

24 **2. Violation.** A person who violates subsection 1 is subject to the provisions of this
25 subsection.

26 **A.** A person who violates subsection 1 commits a civil violation for which a fine of
27 not less than \$25 and not more than \$100 per violation may be adjudged. A fine
28 imposed under this subsection may not be suspended by the court.

29 **B.** A person who violates subsection 1 after having been adjudicated as having
30 committed 3 or more civil violations under this Part within the previous 5-year period
31 commits a Class E crime.

32 **3. Issuance of passive watercraft invasives sticker; one-time fee.** No later than
33 January 1st of each year, the commissioner shall provide the agents authorized to register
34 watercraft or issue licenses with a sufficient quantity of invasives stickers for passive
35 watercraft for that boating season. The sticker must be in 2 parts so that one part of the
36 sticker can be affixed to each side of the bow of a passive watercraft. The one-time fee
37 for a sticker issued under this subsection is \$5, 25¢ of which is retained by the agent who
38 sold the sticker.

39 The remainder of the fee is disposed of as follows:

