

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 743

H.P. 548

House of Representatives, March 5, 2021

An Act To Amend the Laws Governing Invasive Aquatic Species

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative FAY of Raymond.

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

2 **Sec. 1. 38 MRSA §410-N, sub-§1, ¶B**, as amended by PL 2005, c. 561, §1, is
3 further amended to read:

4 B. "Invasive aquatic plant" means a species identified by the department as an invasive
5 aquatic plant or one of the following species:

6 (1) All Myriophyllum species, including but not limited to variable-leaf water-
7 milfoil, Myriophyllum heterophyllum; Eurasian water milfoil water-milfoil,
8 Myriophyllum spicatum; and parrot feather, Myriophyllum aquaticum;

9 (2) Variable leaf water milfoil, Myriophyllum heterophyllum;

10 (3) Parrot feather, Myriophyllum aquaticum;

11 (4) Water All Trapa species, including but not limited to water chestnut, Trapa
12 natans;

13 (5) Hydrilla, Hydrilla verticillata;

14 (6) ~~Fanwort~~ All Cabomba species, including but not limited to fanwort, Cabomba
15 caroliniana;

16 (7) Curly pondweed, Potamogeton crispus;

17 (8) European naiad, Najas minor;

18 (9) Brazilian elodea, Egeria densa;

19 (10) Frogbit, Hydrocharis morsus-ranae; and

20 (11) Yellow floating heart, Nymphoides peltata;

21 (12) Water soldier, Stratiotes aloides;

22 (13) Giant salvinia, Salvinia molesta;

23 (14) Swollen bladderwort, Utricularia inflata; and

24 (15) Starry stonewort, Nitellopsis obtusa.

25 **Sec. 2. 38 MRSA §1865**, as enacted by PL 2003, c. 551, §21, is amended to read:

26 **§1865. Public water supplies**

27 If an infested water body pursuant to section 1864 is a public drinking water supply,
28 public notification by the commissioner and the Commissioner of Inland Fisheries and
29 Wildlife is required prior to any response action that proposes the use of a chemical control
30 agent. Public notification must include, at a minimum, notification of adjoining
31 municipalities, property owners, drinking water suppliers who use that water supply and
32 other affected persons, and must provide adequate time for public review and comment on
33 the proposed emergency action. Chemical control agents may not be used on a water body
34 that is a public drinking water supply for a regulated community public water system or a
35 regulated nontransient, noncommunity public water system without the prior written
36 consent of ~~each public water supplier from the public water system~~ using that water body.

1 **SUMMARY**

2 This bill amends the laws governing aquatic nuisance species control in the following
3 ways.

4 1. It adds new species to the existing list of invasive aquatic plants.

5 2. It changes the consent requirement in order for chemical control agents to be used
6 on a water body that is a water supply from prior written consent of each public water
7 supplier using that water body to prior written consent of a regulated community public
8 water system or a regulated nontransient, noncommunity public water system using that
9 water body.