

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2024

information on enforcement mechanisms and the level of enforcement undertaken, as measured by statistics when data are available, including the number of reported incidents, the number of complaints and the number of boats checked. The report may include information on enforcement challenges, the department's view on the appropriate water depth and distance from the shoreline for users engaged in a wakesurfing activity and any recommendations for statutory changes related to these issues. The committee is authorized to report out a bill based on the report to the 133rd Legislature in 2027.

For the purposes of this section, "wakesurfing activity" has the same meaning as in the Maine Revised Statutes, Title 12, section 13001, subsection 27-A.

See title page for effective date.

CHAPTER 612

H.P. 856 - L.D. 1342

An Act to Increase Funding for the Prevention and Control of Invasive Aquatic Species

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

Sec. 1. 12 MRSA §10206, sub-§3, ¶C, as amended by PL 2019, c. 264, §1, is further amended to read:

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

Prior to January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$10 fee for invasive species prevention and control. Beginning January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$15 fee for invasive species prevention and control. Beginning January 1, 2025, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$25 fee for invasive species prevention and control. Beginning January 1, 2028, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$35 fee for invasive species prevention and control. This fee is disposed of as follows:

- (1) ~~Eighty percent~~ Prior to January 1, 2025, 80% must be credited to the Invasive Aquatic Plant and Nuisance Species Fund. Beginning January 1, 2025, 70% must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and
- (2) ~~Twenty percent~~ Prior to January 1, 2025, 20% must be credited to the Lake and River Protection Fund established within the department under section 10257. Beginning January 1, 2025, 30% must be credited to the Lake and River Protection Fund.

Sec. 2. 12 MRSA §13056, sub-§8, ¶A, as amended by PL 2019, c. 264, §3, is further amended to read:

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

- (1) Ten horsepower or less, prior to January 1, 2020 the fee is \$25 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$30 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State. Beginning January 1, 2025, the fee under this subparagraph is \$40 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State. Beginning January 1, 2028, the fee under this subparagraph is \$50 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State;
- (2) Greater than 10 horsepower but not more than 50 horsepower, prior to January 1, 2020 the fee is \$30 for operating on inland waters of

the State and \$20 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$35 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State. Beginning January 1, 2025, the fee under this subparagraph is \$45 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State. Beginning January 1, 2028, the fee under this subparagraph is \$55 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State; and

(3) Greater than 50 horsepower but not more than 115 horsepower, prior to January 1, 2020 the fee is \$36 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$41 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State. Beginning January 1, 2025, the fee under this subparagraph is \$51 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State. Beginning January 1, 2028, the fee under this subparagraph is \$61 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State.

Sec. 3. 12 MRSA §13056, sub-§8, ¶B, as amended by PL 2019, c. 264, §4, is further amended to read:

B. Prior to January 1, 2020, for a personal watercraft requiring or whose owner requests a certificate of number and watercraft equipped with a motor having a manufacturer's horsepower rating ~~of greater than 115 horsepower or greater~~, the fee is \$44 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this paragraph is \$49 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State. Beginning January 1, 2025, the fee under this paragraph is \$59 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State. Beginning January 1, 2028, the fee under this paragraph is \$69 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State.

Sec. 4. 12 MRSA §13058, sub-§3, as amended by PL 2019, c. 264, §5, is further amended to read:

3. Nonresident motorboat and personal watercraft lake and river protection sticker and resident and nonresident seaplane lake and river protection sticker; fee. No later than January 1st of each year, the commissioner shall provide the agents authorized to register watercraft or issue licenses with a

sufficient quantity of lake and river protection stickers for motorboats and personal watercraft not registered in the State and for all seaplanes, whether or not registered in the State, for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft or to each outside edge of a seaplane's pontoons. Prior to January 1, 2020, the fee for a sticker issued under this subsection is \$20, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2020, the fee for a sticker issued under this subsection is \$35, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2022, the fee for a sticker issued under this subsection is \$45, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2025, the fee for a sticker issued under this subsection is \$60, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2028, the fee for a sticker issued under this subsection is \$75, \$1 of which is retained by the agent who sold the sticker.

The remainder of the fee is disposed of as follows:

A. ~~Eighty percent~~ Prior to January 1, 2025, 80% must be credited to the Invasive Aquatic Plant and Nuisance Species Fund. Beginning January 1, 2025, 70% must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and

B. ~~Twenty percent~~ Prior to January 1, 2025, 20% must be credited to the Lake and River Protection Fund established within the department under section 10257. Beginning January 1, 2025, 30% must be credited to the Lake and River Protection Fund.

A motorboat, personal watercraft or seaplane owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Water Quality 0248

Initiative: Provides allocations for costs related to conducting inspections and invasive aquatic plant prevention, for containment, eradication and management activities and to contract with municipalities or other entities to conduct inspection, prevention or eradication programs to protect the inland waters of the State from invasive aquatic plant and nuisance species.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$628,342

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$628,342

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS 2023-24 2024-25

OTHER SPECIAL REVENUE FUNDS \$0 \$628,342

DEPARTMENT TOTAL - ALL FUNDS \$0 \$628,342

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Enforcement Operations - Inland Fisheries and Wildlife 0537

Initiative: Provides allocations for enforcing laws pertaining to invasive aquatic plants and nuisance species, for inspecting watercraft for invasive aquatic plant and nuisance species materials and for educational and informational efforts targeted at invasive aquatic plant and nuisance species prevention, eradication and management activities and the production and distribution of lake and river protection stickers.

OTHER SPECIAL REVENUE FUNDS 2023-24 2024-25 All Other \$0 \$533,345

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$533,345

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS 2023-24 2024-25

OTHER SPECIAL REVENUE FUNDS \$0 \$533,345

DEPARTMENT TOTAL - ALL FUNDS \$0 \$533,345

SECTION TOTALS 2023-24 2024-25

OTHER SPECIAL REVENUE FUNDS \$0 \$1,161,687

SECTION TOTAL - ALL FUNDS \$0 \$1,161,687

See title page for effective date.

CHAPTER 613 S.P. 856 - L.D. 2028

An Act to Amend Certain State Tax Laws

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

PART A

Sec. A-1. 36 MRSA §6252-A, sub-§6, as enacted by PL 2023, c. 412, Pt. S, §9, is amended to read:

6. Restriction. A taxpayer who ~~owes delinquent taxes for~~ owns more than one residential property within the State subject to an existing municipal lien is not eligible to claim a deferral pursuant to this section.

PART B

Sec. B-1. 5 MRSA §13090-K, sub-§2, as amended by PL 2015, c. 267, Pt. OOOO, §1 and affected by §7, is repealed and the following enacted in its place:

2. Source of fund. On July 1st of each year, the State Controller shall transfer to the Tourism Marketing Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax and 5% of the 9% tax imposed on tangible personal property and taxable services pursuant to Title 36, section 1811 for the first 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5 and the transfers to the sales tax funds pursuant to Title 36, section 1815. On October 1st of each year, the State Controller shall transfer to the Tourism Marketing Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax and 5% of the 9% tax imposed on tangible personal property and taxable services pursuant to Title 36, section 1811 for the last 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund and the transfers to the sales tax funds pursuant to Title 36, section 1815. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law. The amount transferred from General Fund sales and use tax revenues does not affect the calculation for the transfer to the Local Government Fund.

Sec. B-2. 23 MRSA §4210-B, sub-§7-A, as amended by PL 2023, c. 360, Pt. C, §1, is further amended to read:

7-A. Sales tax revenue. On July 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on the value of rental of a truck or