



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 252

H.P. 205

House of Representatives, February 1, 2011

An Act To Amend the Laws Governing Aquatic Nuisance Species

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative EBERLE of South Portland.
Cosponsored by Senator KATZ of Kennebec and
Representatives: BERRY of Bowdoinham, CLARKE of Bath, GRAHAM of North Yarmouth,
KESCHL of Belgrade, LONGSTAFF of Waterville, Speaker NUTTING of Oakland,
PETERSON of Rumford, WEAVER of York.

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

2 **Sec. 1. 12 MRSA §13001, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and
3 affected by c. 614, §9, is amended to read:

4 **6. Aquatic plant.** "Aquatic plant" means a ~~vaseular~~ plant species that requires a
5 permanently flooded freshwater habitat.

6 **Sec. 2. 38 MRSA §410-N, sub-§1, ¶A**, as enacted by PL 1999, c. 722, §1, is
7 amended to read:

8 A. "Aquatic plant" means a ~~vaseular~~ plant species that requires a permanently
9 flooded freshwater habitat.

10 **Sec. 3. 38 MRSA §1871, sub-§2**, as enacted by PL 2001, c. 434, Pt. B, §2, is
11 amended to read:

12 **2. Terms.** Members appointed by the Governor serve 4-year terms, except that, as
13 determined by the Governor, of the initial appointments, 4 must be for 3 years, including
14 the public member, and 4 must be for 2 years. Members serve until their successors are
15 appointed. A vacancy must be filled for the remainder of the unexpired term. If after 6
16 months of a vacancy on the task force in a position listed in subsection 1, paragraph B the
17 Governor cannot fill that vacancy, the Governor may appoint a member who does not
18 meet the qualifications of subsection 1, paragraph B.

19 **Sec. 4. Report.** The Department of Inland Fisheries and Wildlife in consultation
20 with the Department of Environmental Protection shall examine issues related to the
21 control of invasive aquatic species, including but not limited to the use of felt-soled
22 waders and the spread of invasive aquatic species, and report to the Joint Standing
23 Committee on Inland Fisheries and Wildlife by January 15, 2012. The report may
24 include any recommendations concerning legislation. The Joint Standing Committee on
25 Inland Fisheries and Wildlife may report out legislation related to the subject of this
26 report to the Second Regular Session of the 125th Legislature.

27 **SUMMARY**

28 This bill broadens the definition of "aquatic plant" in the laws governing the control
29 of aquatic nuisance species. It also provides that a vacancy of a public position on the
30 Interagency Task Force on Invasive Aquatic Plants and Nuisance Species may be filled
31 by a person who does not represent a particular constituency if after 6 months of a
32 vacancy on the task force the Governor cannot fill that vacancy. It requires the
33 Department of Inland Fisheries and Wildlife, in consultation with the Department of
34 Environmental Protection, to report to the Joint Standing Committee on Inland Fisheries
35 and Wildlife by January 15, 2012 concerning issues related to the control of invasive
36 aquatic species, including but not limited to the use of felt-soled waders and the spread of
37 invasive aquatic species.