



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1178

S.P. 399

In Senate, March 28, 2017

**An Act To Better Understand and Control Invasive Aquatic Plants
and 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
Secretary of the Senate

Presented by 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-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and
3 affected by c. 614, §9, is amended to read:

4 **6. Lake and river protection sticker revenues.** All fees collected by the
5 commissioner from the sale of stickers under section 13058, ~~subsection~~ subsections 3 and
6 4 must be paid daily to the Treasurer of State. Notwithstanding subsection 3, the
7 Treasurer of State shall credit funds received under this subsection as follows:

8 A. Sixty percent of the revenues must be credited to the Invasive Aquatic Plant and
9 Nuisance Species Fund established in the Department of Environmental Protection
10 under Title 38, section 1863; and

11 B. Forty percent of the revenues must be credited to the Lake and River Protection
12 Fund established in the department under section 10257.

13 **Sec. 2. 12 MRSA §13058, sub-§3**, as repealed and replaced by PL 2013, c. 580,
14 §3, is amended to read:

15 **3. Nonresident motorboat and personal watercraft lake and river protection**
16 **sticker and resident and nonresident seaplane lake and river protection sticker; fee.**
17 No later than January 1st of each year, the commissioner shall provide the agents
18 authorized to register watercraft or issue licenses with a sufficient quantity of lake and
19 river protection stickers for motorboats and personal watercraft not registered in the State
20 and for all seaplanes, whether or not registered in the State, for that boating season. The
21 sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the
22 bow of a motorboat or personal watercraft or to each outside edge of a seaplane's
23 pontoons. ~~The~~ Except as provided in subsection 4, the fee for a sticker issued under this
24 subsection is \$20, \$1 of which is retained by the agent who sold the sticker.

25 The remainder of the fee is disposed as follows:

26 A. Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance
27 Species Fund established within the Department of Environmental Protection under
28 Title 38, section 1863; and

29 B. Twenty percent must be credited to the Lake and River Protection Fund
30 established within the department under section 10257.

31 A motorboat, personal watercraft or seaplane owned by the Federal Government, a state
32 government or a municipality is exempt from the fee established in this subsection or in
33 subsection 4.

34 **Sec. 3. 12 MRSA §13058, sub-§4** is enacted to read:

35 **4. Temporary fee increase.** Beginning January 1, 2018 and ending December 31,
36 2018, the fee for a sticker issued under subsection 3 is \$21, \$1 of which is retained by the
37 agent who sold the sticker. The remainder of the fee is disposed of in accordance with
38 the percentages in subsection 3. This subsection is repealed December 31, 2018.

1 **Sec. 4. Study to better understand and control invasive aquatic plants**
2 **and nuisance species.** The Commissioner of Environmental Protection and the
3 Commissioner of Inland Fisheries and Wildlife, in cooperation with the Interagency Task
4 Force on Invasive Aquatic Plants and Nuisance Species established under the Maine
5 Revised Statutes, Title 38, section 1871, jointly shall facilitate a study of the State's
6 efforts to prevent the infestation of, to control, to eradicate and to otherwise manage
7 invasive aquatic plants and nuisance species in the waters of the State through the
8 program implemented under Title 38, chapter 20-A. The study must, at a minimum:

9 1. Evaluate the effectiveness of the program in addressing issues relating to invasive
10 aquatic plants and nuisance species;

11 2. Identify areas in which the program could be improved to more effectively address
12 issues relating to invasive aquatic plants and nuisance species in the State;

13 3. Review the financial and operational needs of the program and identify all funding
14 sources and other resources available to the program; and

15 4. Based on the financial and operational needs of and resources currently available
16 to the program, determine the additional amount of funding, if any, necessary to ensure
17 the long-term viability and success of the program as well as any recommendations for
18 acquiring that additional amount of funding, including, but not limited to:

19 A. Temporarily or permanently increasing existing watercraft registration or other
20 sticker fees imposed under Title 12, chapter 935; and

21 B. Imposing new registration or other sticker fees on nonmotorized watercraft.

22 The Commissioner of Environmental Protection and the Commissioner of Inland
23 Fisheries and Wildlife jointly may agree to contract with a 3rd-party entity to conduct the
24 study described under this section. Notwithstanding any provision to the contrary in Title
25 12, section 10257 or Title 38, section 1863, the Department of Environmental Protection
26 and the Department of Inland Fisheries and Wildlife may cover the actual costs to each
27 agency of conducting or contracting for the study described under this section with the
28 fee revenues collected and deposited into the Invasive Aquatic Plant and Nuisance
29 Species Fund and the Lake and River Protection Fund pursuant to Title 12, section 13058,
30 subsections 3 and 4.

31 **Sec. 5. Report to Legislature; authority to report out bill.** On or before
32 January 15, 2018, the Commissioner of Environmental Protection and the Commissioner
33 of Inland Fisheries and Wildlife jointly shall submit to the Joint Standing Committee on
34 Environment and Natural Resources and the Joint Standing Committee on Inland
35 Fisheries and Wildlife a report detailing the findings and recommendations of the study
36 conducted under section 4, including any draft legislation, relating to the program to
37 prevent the infestation of, to control, to eradicate and to otherwise manage invasive
38 aquatic plants and nuisance species in the waters of the State implemented under the
39 Maine Revised Statutes, Title 38, chapter 20-A. The Joint Standing Committee on
40 Environment and Natural Resources may, in consultation with the Joint Standing
41 Committee on Inland Fisheries and Wildlife, report out a bill relating to the report to the
42 Second Regular Session of the 128th Legislature.

1

SUMMARY

2 This bill temporarily increases by \$1 the annual fee for the lake and river protection
3 sticker required under the Maine Revised Statutes, Title 12, section 13058. The
4 additional revenue from this increased fee may be used to fund a study of the State’s
5 efforts to prevent the infestation of, to control, to eradicate and to otherwise manage
6 invasive aquatic plants and nuisance species in the waters of the State through the
7 program implemented under Title 38, chapter 20-A. The bill directs the Commissioner of
8 Environmental Protection and the Commissioner of Inland Fisheries and Wildlife, in
9 cooperation with the Interagency Task Force on Invasive Aquatic Plants and Nuisance
10 Species, to facilitate this study, which must, among other things, identify the additional
11 amount of funding, if any, necessary to ensure the long-term viability and success of the
12 statutory program as well as recommendations for acquiring that additional amount of
13 funding.

14 On or before January 15, 2018, the Commissioner of Environmental Protection and
15 the Commissioner of Inland Fisheries and Wildlife jointly are required to submit a report
16 to the Joint Standing Committee on Environment and Natural Resources and the Joint
17 Standing Committee on Inland Fisheries and Wildlife detailing the findings and
18 recommendations of the study, including any draft legislation, and the Joint Standing
19 Committee on Environment and Natural Resources, in consultation with the Joint
20 Standing Committee on Inland Fisheries and Wildlife, may report out a bill relating to the
21 report to the Second Regular Session of the 128th Legislature.