

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 60 - L.D. 92

An Act to Minimize the Propagation of Invasive Aquatic Plants

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the boating season begins in the State prior to the statutory adjournment date; and

Whereas, this Act is necessary to protect Maine's water bodies from invasive aquatic plants; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §419-C, sub-§1, ¶D, as enacted by PL 2003, c. 627, §7, is amended to read:

D. Fail to remove any aquatic plant or parts of any aquatic plant, including roots, rhizomes, stems, leaves or seeds, from the outside of a vehicle, boat, personal watercraft, boat trailer or other equipment on a public road; or

Sec. 2. 38 MRSA §419-C, sub-§1, ¶E is enacted to read:

E. Drain or release water held on or within a watercraft, allowing that water to enter any inland water body of the State. This restriction applies solely to water transported from a different water source. For the purposes of this paragraph, "watercraft" has the same meaning as in Title 12, section 13001, subsection 28.

Sec. 3. 38 MRSA §419-C, sub-§1-A is enacted to read:

1-A. Draining of watercraft and equipment. Just prior to launching and when removing a watercraft from an inland water body and prior to transport away from the launch site, a person:

A. Shall remove or open any hull drain plugs, bailers, valves, live wells, ballast tanks and other devices designed for routine removal or opening and closing to encourage water to drain from areas containing water. Containers holding live baitfish for personal or commercial use are exempted from requirements in this subsection; and

B. May not allow drains to be opened in a way that allows water to enter any inland water body of the State pursuant to subsection 1, paragraph E.

For the purposes of this subsection, "watercraft" has the same meaning as in Title 12, section 13001, subsection 28.

Nothing in this subsection allows a person to directly or indirectly discharge pollutants into any inland water body of the State. This subsection does not apply to emergency response watercraft and their related equipment.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.