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An Act To Leverage Expert, State-based Resources for Emergent Intervention and Long-term Comprehensive Resource Protection of Lakes

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

Whereas, invasive aquatic plants such as milfoil are infesting many of Maine's lakes and a comprehensive, coordinated and long-term plan is necessary to remove and control these infestations; and

Whereas, to control infestations of invasive aquatic plants, 3 cleanups per year for 3 years are recommended; and

Whereas, the milfoil infestation problem is worsening and needs to be addressed immediately; and

Whereas, raising watercraft fees for the next boating season will provide revenue needed to address the issue; 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. 12 MRSA §10206, sub-§3, ¶C, as amended by PL 2013, c. 368, Pt. AAA, §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.

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~~\$17 fee from residents and a \$35 fee from nonresidents for invasive species prevention and control. This fee is disposed of as follows:

(1) Sixty percent of the fee must be credited to the Invasive Aquatic Plant and Nuisance Species Fund established within the Department of Environmental Protection under Title 38, section 1863; and

(2) Forty percent of the fee must be credited to the Lake and River Protection Fund established within the department under section 10257.

Sec. 2. 12 MRSA §13056, sub-§8, ¶A, as amended by PL 2009, c. 213, Pt. OO, §14, 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, the fee is ~~\$25~~\$32 for residents and ~~\$50~~ for nonresidents for operating on inland waters of the State and \$15 for operating only on tidal waters of the State;

(2) Greater than 10, but not more than 50 horsepower, the fee is ~~\$30~~\$37 for residents and ~~\$55~~ for nonresidents 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, the fee is ~~\$36~~\$43 for residents and ~~\$67~~ for nonresidents 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 2009, c. 213, Pt. OO, §15, is further amended to read:

B. 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 115 horsepower or greater, the fee is ~~\$44~~\$51 for residents and ~~\$76~~ for nonresidents 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 2009, c. 213, Pt. OO, §17, 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 each agent 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. The fee for a sticker issued under this subsection is ~~\$20~~\$35. Each agent shall retain \$1 for each

sticker sold by that agent for which a fee is required. 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. 38 MRS §1866 is enacted to read:

§ 1866. Program established for invasive aquatic plants for lakes of more than 10,000 acres

1. Eradication and prevention of invasive aquatic plants. The department shall establish programs to eradicate and prevent the migration of invasive aquatic plants in the State by:

A. Creating and maintaining a program that uses state-based resources and the Invasive Aquatic Plant and Nuisance Species Fund under section 1863 to remove invasive aquatic plant infestations in lakes of more than 10,000 acres in size. In developing the program, the department shall include provisions for matching grants for community-based lake associations to remove invasive aquatic plant infestations based on size, location and density of infestation. For infested lakes over 10,000 acres, the department shall organize and provide for seasonal summer employment of temporary help services or department staff for direct invasive aquatic plant removal;

B. Creating and maintaining a program for long-term management of future invasive aquatic plant infestations for lakes of more than 10,000 acres in size. The program must use state-based resources and funding to establish necessary interventions and to plan for long-term comprehensive resource protection. In setting priorities for the program, the department shall consider with respect to each lake:

(1) The quantity and extent of invasive aquatic plant infestations;

(2) The number of points of entry to the lake and an estimated volume of boat travel, with a focus on lakes that have the potential of easy access to another lake;

(3) Whether the lake is easily accessible so that it may serve as an educational resource for students in the State;

(4) The importance of the lake as a local natural resource to the community;

(5) The proximity of the lake to state parks, municipalities and places that attract local residents and tourists;

(6) Whether the lake provides a public water supply or is in close proximity to a public water supply; and

(7) The potential for wildlife observation, sports activities and educational opportunities; and

C. Coordinating forums to facilitate the creation of community-based lake associations for all lakes of more than 10,000 acres in size. The forums must include representatives from municipalities, county governments, water districts and local businesses and local community invasive aquatic plant infestation mitigation experts and local residents to advise development and management of the long-term invasive aquatic plant management program under paragraph B.

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

SUMMARY

This bill increases the fees collected for watercraft operating on inland waters of the State by \$7 for residents and establishes a \$35 fee for nonresidents. It also directs the Department of Environmental Protection to establish a program within the department that uses the revenue from the increased fees to work on removing invasive aquatic plants that exist in lakes of 10,000 acres or more in area. The department is also directed to establish a long-term management program to prevent future infestation of invasive aquatic plants.