

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Fund Invasive Species Prevention and Control'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

‘

**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~~\$15 fee for invasive species prevention and control. ~~This~~Five dollars of the \$15 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 the remainder of the 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 §10257, sub-§1**, as amended by PL 2011, c. 74, §1, is further amended to read:

**1. Fund established.** The Lake and River Protection Fund, referred to in this section as the "fund," is established within the department as a nonlapsing fund. The fund must be administered by the commissioner. The fund is funded from a portion of the fees collected for lake and river protection stickers issued under section 13058, subsection 3 and from other funds accepted for those purposes by the commissioner or allocated or appropriated by the Legislature. Money in the fund may be used for enforcing laws pertaining to invasive aquatic plants and nuisance species, inspecting watercraft for invasive aquatic plant and nuisance species materials, 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 required under section 13058, subsection 3. For purposes of this section, "nuisance species" has the same meaning as in Title 38, section 1861, subsection 2.

**Sec. 3. 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~~\$30 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~~\$35 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~~\$41 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State.

**Sec. 4. 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~~\$49 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State.

**Sec. 5. 12 MRSA §13058, sub-§3,** as amended by PL 2009, c. 213, Pt. OO, §17, is repealed and the following enacted in its place:

**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. The fee for a sticker issued under this subsection is \$25, \$1 of which is retained by the agent who sold the sticker and \$5 of which must be credited to the Invasive Aquatic Plant and Nuisance Species Fund established within the Department of Environmental Protection under Title 38, section 1863.

The remainder of the fee is disposed as follows:

- A. Sixty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and
- B. Forty percent must be credited to the Lake and River Protection Fund established within the department under section 10257.

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. 6. 38 MRSA §1863**, as amended by PL 2003, c. 414, Pt. B, §73 and affected by Pt. D, §7 and c. 614, §9, is further amended to read:

### **§ 1863. Invasive Aquatic Plant and Nuisance Species Fund**

The Invasive Aquatic Plant and Nuisance Species Fund, referred to in this section as the "fund," is created within the department as a nonlapsing fund. The fund is administered by the commissioner. The fund is funded from a portion of the fees collected for lake and river protection stickers issued under Title 12, section 13058, subsection 3 and from other funds accepted for those purposes by the commissioner or allocated or appropriated by the Legislature. Money in the fund may be used only for costs related to conducting inspections under section 1862, conducting invasive aquatic plant prevention, containment, eradication and management activities and reimbursing agencies as necessary for costs associated with conducting or enforcing the provisions of this chapter and chapter 20-B. The commissioner may also use funds 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.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

## **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

### **Land and Water Quality 0248**

Initiative: Provides an allocation of \$246,650 in fiscal year 2014-15 for inspecting, containing and eradicating invasive aquatic plants and nuisance species.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$0	\$246,650
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$246,650</b>

**Sec. 8. Effective date.** This Act takes effect January 1, 2015.'

### **SUMMARY**

This amendment, which is the majority report of the committee, increases the fees collected for watercraft operating on inland waters of the State by \$5 beginning in 2015. This amendment also increases the lake and river protection sticker fee for nonresidents by \$5. It directs that the revenue from these increased fees be directed to the Invasive Aquatic Plant and Nuisance Species Fund established within the Department of Environmental Protection beginning in 2015. Finally, this amendment eliminates the proposed invasive aquatic plant removal and long-term management programs within the Department of Environmental Protection and the proposed nonresident registration fees that are contained in the bill.

The amendment also strikes the emergency preamble and emergency clause and adds an appropriations and allocations section.

### **FISCAL NOTE REQUIRED**

**(See attached)**