

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FOURTEEN

—  
H.P. 1198 - L.D. 1626

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

**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,** 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 fee for invasive species prevention and control. This fee is disposed of as follows:

- (1) ~~Sixty Eighty~~ 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 Twenty~~ 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 §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 \$20, \$1 of which is retained by the agent who sold the sticker.

The remainder of the fee is disposed as follows:

- A. Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and

B. Twenty 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. 4. 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. The commissioner shall use at least 20% of the money in the fund for eradication activities.

**Sec. 5. Transfer; Inland Fisheries and Wildlife carrying account.** Notwithstanding any other provision of law, the State Controller shall transfer \$46,000 by May 1, 2014 and \$225,400 by July 10, 2015 from the Inland Fisheries and Wildlife carrying account, General Fund account within the Department of Inland Fisheries and Wildlife to the Lake and River Protection Fund within the Department of Inland Fisheries and Wildlife.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Land and Water Quality 0248**

Initiative: Allocates funds from an increased percentage of fees from 60% to 80% on certificates for watercraft operation on inland waters and lake and river protection stickers.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$46,000	\$225,400
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$46,000</b>	<b>\$225,400</b>

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