

Office of Policy and Legal Analysis

Date: February 27, 2021
To: Joint Standing Committee on Inland Fisheries and Wildlife
From: Rachel Olson, Legislative Analyst
Re: LD 184, “An Act To Minimize the Propagation of Invasive Aquatic Plants” (Riseman)

Summary

This bill requires a person when removing a vessel from an inland water body to drain the vessel and other equipment and to remove or open drain plugs, bailers, valves and other devices to drain the water before that vessel is transported. It exempts emergency response vessels from these requirements.

Testimony

Proponent: Rep. Walter Riseman, sponsor; Rep. Tavis Hasenfus, co-sponsor; Sen. Richard Bennet, co-sponsor; Mark Adams, Susan Adams, Abriam Barker, Lake Quality Monitor for Lake Stewards of Maine; Mary Berger, Rob Brown, Bernice Caldwell, Roger Crouse, Maine Water Utilities Association; Eliza Donoghue, Maine Audubon; Alanna Doughty, Lakes Environmental Assoc.; Adam Fortier-Brown, MRAA; Lysa Frazier, Susan Gallo, Maine Lakes; Amanda Gavin, Sal Gebbia, Andy Gluck, Alan Gordon, Rebecca Gould, Shawn R. Hebert, Harbor Master/Chief Marine Safety for the Town of Naples; Billy Helprin, Somes-Meynell Wildlife Sanctuary; Wells Jacobson, Mary Jewett, Lakes Environmental Association; Kay Johnson, Stacey Keefer, MMTA; Don Kleiner, MPGA, Richard Knight, Kim Lajoie, Steve Lajoie, Roy Lambert, Sandra Larned, invasive plant patroller; Tom Larned, Kennebunk Pond Assoc.; Sharon Mann, 7 Lakes Alliance; Kelly Margolis, Woods Pond Association; Paul McNulty, Watchic Lake Assoc.; Ray Mims, Steven Mogul, William Monagle, CWD; Erik Murray, Gregory Murrer, Mikaela Nadeau, Joseph Nagy and Susan Neily, Hancock and Sand Ponds Assoc.; Toni Pied, Friends of the Cobbossee Watershed; George Poonen, Karena Poonen, Nancy Putman, Nickerson Lake Wilderness Preservation Board of Directors; Bradley Sawyer, MRWA; Orrin Shane, Nick Shepherd, Alyson Smith, William A. Turner, Tim Wade, MEWEA; Joanne Webb, Peter G. Whitchurch, Bruce and Martina Witts

- Legislation will help prevent the spread of invasive aquatic plants and animals
- Invasive species represent significant risk to water quality and aquatic life
- Blooms are degrading the habitat for fish and wildlife
- Aquatic invasive species pose one of the greatest threats to the health of Maine’s inland waterways, fisheries, ecosystems and local economies
- Maine lags behind other states in enacting this type of legislation
- Similar laws already in effect in places such as NY, VT, and NH
- More than 20 Maine lakes and rivers are already infested with 6 different invasive plant species
- The popularity of ME lakes increases risk of contamination
- Maine’s economy has a lot to lose if no further action is taken
- Destroys recreational value of Maine lakes and ponds as well as the real estate values of property on the lakes
- Significant benefits outweigh any costs

- Costs of controlling species already here is significant and many programs already at max capacity
- Current efforts face significant battle with limited capacity
- It will strengthen defenses against aquatic invaders
- Prevention is easier than remediation
- Proven threat, removing the drain would only take a few moments
- Already required to inspect and clean, pulling the drain is an easy next step
- The law will further help efforts already in place in communities across the state
- Complement to education efforts already in place
- Support an amendment to clearly outline the exemption on pontoon boat tubes and other air holding compartments
- Support approach, concerned about having to drain live bait wells

Opponents: Francis Brautigam, DIFW

- Oppose law enforcement approach, encourage strong educational program
- Some states have enacted laws, other embraced messaging through education and outreach
- Supports intent, interested in advancing clean, drain, dry program
- If the bill were to move forward, some concerns around enforcement and unintended consequences

Neither for nor against: Brian Kavanah, Director, Bureau of Water Quality

Possible Amendments

- Rep. Riseman offered an amendment with [his testimony](#) addressing the plugs/valves associated with air holding compartments of pontoons.

Notes/Additional Information

- The current penalty attached to this section is:

2. Penalty. A person who violates this section commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged for the first violation and a forfeiture not to exceed \$2,500 may be adjudged for a subsequent violation.

- The definition of vessel referred to in the bill is as follows:

11. Vessel. "Vessel" includes every description of watercraft or other contrivance used, or capable of being used, as a means of transportation on water, whether self-propelled or otherwise and shall include barges and tugs.

- [LD 927 from the 129th, 1R](#) is the same bill. LD 927 was reported out as ONTP. Three other bills concerning invasive aquatic species were also considered (LD 235, 927, and 967). Two of the three bills were also reported out as ONTP. LD 235, *An Act To Increase Funding To Contain and Manage the Spread of Invasive Aquatic Species*, was passed OTP-AM ([2019 Public Law, Chapter 264](#)).
- This bill has an emergency preamble.

Fiscal Impact

- Fiscal Status: Not Yet Determined

Links

[Testimony](#)

[38 MRSA §419-C. Prevention of the spread of invasive aquatic plants](#) (current statute)

[38 MRSA §1862. Program to prevent infestation of and to control invasive aquatic plants](#)

[38 MRSA §1863. Invasive Aquatic Plant and Nuisance Species Fund](#)

[12MRSA §10206. Disposition of specific revenues – sub-§3\(C\)](#)

[12 MRSA §10257. Lake and River Protection Fund](#)

[12 MRSA §13058. Lake and river protection sticker required](#)

[Clean, Drain, Dry brochure from Maine DEP](#) (includes a map of invasive aquatic plants in ME as of 01/2019)

Current Statute

§419-C. Prevention of the spread of invasive aquatic plants

1. Prohibition. A person may not:

- A. Transport any aquatic plant or parts of any aquatic plant, including roots, rhizomes, stems, leaves or seeds, on the outside of a vehicle, boat, personal watercraft, boat trailer or other equipment on a public road;
- B. Possess, import, cultivate, transport or distribute any invasive aquatic plant or parts of any invasive aquatic plant, including roots, rhizomes, stems, leaves or seeds, in a manner that could cause the plant to get into any state waters;
- C. After September 1, 2000, sell or offer for sale in this State any invasive aquatic plant; or
- 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.

2. Penalty. A person who violates this section commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged for the first violation and a forfeiture not to exceed \$2,500 may be adjudged for a subsequent violation.