

## CHAPTER 20-A

### PROGRAM TO PREVENT INFESTATION OF AND TO CONTROL INVASIVE AQUATIC PLANTS

#### §1861. Definitions

As used in this chapter and chapter 20-B, unless the context otherwise indicates, the following terms have the following meanings. [PL 2001, c. 434, Pt. A, §7 (NEW).]

**1. Invasive aquatic plant.** "Invasive aquatic plant" means a species of aquatic plant described in section 410-N.

[PL 2001, c. 434, Pt. A, §7 (NEW).]

**2. Nuisance species.** "Nuisance species" means an aquatic or terrestrial nonindigenous species that threatens the diversity or abundance of native species, the ecological stability of infested waters or commercial, agricultural, aquacultural or recreational activity dependent on such waters as identified by the department through rulemaking.

[PL 2001, c. 434, Pt. A, §7 (NEW).]

**3. Watercraft.** "Watercraft" has the same meaning as in Title 12, section 13001, subsection 28.

[PL 2003, c. 414, Pt. B, §72 (AMD); PL 2003, c. 614, §9 (AFF).]

#### SECTION HISTORY

PL 2001, c. 434, §A7 (NEW). PL 2003, c. 414, §B72 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF).

#### §1862. Program to prevent infestation of and to control invasive aquatic plants

**1. Program.** The commissioner and the Commissioner of Inland Fisheries and Wildlife jointly shall implement a program to inspect watercraft, watercraft trailers and outboard motors at or near the border of the State and at boat launching sites for the presence of invasive aquatic plants and to provide educational materials to the public and to watercraft owners regarding invasive aquatic plants.

[PL 2001, c. 434, Pt. A, §7 (NEW).]

**2. Other inspection stations allowed.** The program established under this section also may include inspections at boat launching sites on inland waters that are already infested and at boat launching sites on the inland waters that have been identified as most at risk of introduction of invasive aquatic plants.

[PL 2001, c. 434, Pt. A, §7 (NEW).]

**3. Informational material to be provided.** The program established under this section must provide for the distribution of informational material on invasive aquatic plants, including a guide to identifying those plants, information on how to prevent the spread of those plants and information on the potential environmental impact and other impacts of infestation.

[PL 2001, c. 434, Pt. A, §7 (NEW).]

**4. Program implementation.** During the 2001 boating season, the department and the Department of Inland Fisheries and Wildlife shall spend at least 5,000 person hours inspecting watercraft, watercraft trailers and outboard motors at selected boat launching sites and at no fewer than 10 roadside locations at or near the state border. In 2001, the program established under this section also must include an extensive educational effort involving a variety of media with the goal of informing the public of the risks posed by invasive aquatic plants, how to inspect watercraft, watercraft trailers and outboard motors for the presence of invasive aquatic plant material and how to properly dispose of that material.

The program also must include other invasive aquatic plant-related inspection or educational efforts considered appropriate by the commissioner and the Commissioner of Inland Fisheries and Wildlife.

The program in 2002 and subsequent years must be at a level of effort determined by the commissioner and the Commissioner of Inland Fisheries and Wildlife in consultation with the Interagency Task Force on Invasive Aquatic Plant and Nuisance Species, as established in section 1871.

[PL 2001, c. 434, Pt. A, §7 (NEW).]

#### SECTION HISTORY

PL 2001, c. 434, §A7 (NEW).

#### **§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. [PL 2013, c. 580, §4 (AMD).]

#### SECTION HISTORY

PL 2001, c. 434, §A7 (NEW). PL 2003, c. 414, §B73 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2013, c. 580, §4 (AMD).

#### **§1864. Emergency authority to regulate surface use**

The commissioner and the Commissioner of Inland Fisheries and Wildlife may jointly issue an emergency order to restrict access to or restrict or prohibit the use of any watercraft on all or a portion of a water body that has a confirmed infestation of an invasive aquatic plant. The order must be for a specific period of time and may be issued only when the use of watercraft on that water body threatens to worsen or spread the infestation. The order may require that watercraft on waters affected by the order be taken out of the water only at locations identified in the order. The order may require inspections and cleaning of watercraft, watercraft trailers and equipment upon removal at sites that have been identified in the order. Inspections must be conducted by designated state boat inspectors. For purposes of this section, "designated state boat inspector" means a person employed by the State and identified by the department or the Department of Inland Fisheries and Wildlife as a person who is qualified to properly conduct inspection activities. [PL 2003, c. 627, §8 (AMD).]

#### SECTION HISTORY

PL 2001, c. 434, §A7 (NEW). PL 2003, c. 551, §20 (AMD). PL 2003, c. 627, §8 (AMD).

#### **§1865. Public water supplies**

If an infested water body pursuant to section 1864 is a public drinking water supply, public notification by the commissioner and the Commissioner of Inland Fisheries and Wildlife is required prior to any response action that proposes the use of a chemical control agent. Public notification must include, at a minimum, notification of adjoining municipalities, property owners, drinking water suppliers who use that water supply and other affected persons, and must provide adequate time for public review and comment on the proposed emergency action. Chemical control agents may not be

used on a water body that is a public water supply without the prior written consent of each public water supplier using that water body. [PL 2003, c. 551, §21 (NEW).]

#### SECTION HISTORY

PL 2003, c. 551, §21 (NEW).

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