

## Chapter 627. An Act To Amend the Laws Regarding Invasive Aquatic Species

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 12 MRSA §13058, sub-§§1 and 2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

**1. Prohibition.** A person may not place or operate a motorboat or personal watercraft on the inland waters of the State unless a lake and river protection sticker issued under subsection 3 is affixed to both sides of the bow above the water line and approximately 3 inches behind the validation sticker required under section 13056.

**2. Violation.** A person who places or operates a motorboat or personal watercraft upon the inland waters of the State without displaying a lake and river protection sticker as required by subsection 1 commits a civil violation for which a forfeiture fine of not less than \$100 and not more than \$250 per violation may be adjudged, ~~except that a citation for a violation of this subsection may not be issued to a person who is also issued a citation at the same time for a violation of any other provision of this chapter regulating watercraft, other than section 13073.~~ A forfeiture fine imposed under this subsection may not be ~~waived~~ suspended by the court.

**Sec. 2. 12 MRSA §13058, sub-§2-A** is enacted to read:

**2-A. Class E crime.** A person who violates subsection 1 after having been adjudicated of having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 3. 12 MRSA §13068, sub-§15**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the following enacted in its place:

**15. Violation of surface use restriction order.** A person may not operate, launch or remove a watercraft at a restricted-access site or refuse inspection of a watercraft in violation of an order issued under Title 38, section 1864.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$5,000 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court.

B. A person who violates this subsection after having been adjudicated of having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 4. 12 MRSA §13072, sub-§§1 and 2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

**1. Appointment; compensation.** The municipal officers of a town bordering an inland waterway may appoint a harbor master for a term of not less than one year and may establish the harbor master's compensation. ~~The~~ Except as provided in subsection 2-A, the harbor master is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and rules promulgated by the municipality. The municipal officers may remove the harbor master

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from office for cause, declared in writing, after due notice to the harbor master and a hearing, if requested.

The municipal officers may prohibit a harbor master from making an arrest or carrying a weapon. A harbor master who is not prohibited from making arrests may arrest and deliver to the law enforcement authorities on shore any person committing an assault upon the harbor master or another person acting under the harbor master's authority.

**2. Authority and responsibility.** ~~A~~ Except as provided in subsection 2-A, a harbor master appointed under this section shall enforce the watercraft laws of the State and the municipality on any water within the jurisdiction of the municipality.

**Sec. 5. 12 MRSA §13072, sub-§2-A** is enacted to read:

**2-A. Authority to enforce invasive aquatic species laws.** A municipality may appoint a harbor master whose only duties are to enforce the provisions of section 13058 and section 13068, subsections 1 and 15 on any water within the jurisdiction of the municipality.

**Sec. 6. 38 MRSA §419-C, sub-§1, ¶¶B and C,** as enacted by PL 1999, c. 722, §2, are amended to read:

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; ~~or~~

C. After September 1, 2000, sell or offer for sale in this State any invasive aquatic plant; ~~or~~

**Sec. 7. 38 MRSA §419-C, sub-§1, ¶D** is enacted to read:

**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.**

**Sec. 8. 38 MRSA §1864, first ¶,** as enacted by PL 2001, c. 434, Pt. A, §7, is amended to read:

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 ~~and be inspected and cleaned by the department upon removal.~~ 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.