

## Summary of Maine ANS Laws\*

ME statutes: <http://janus.state.me.us/legis/statutes/search.asp>

ME statutes: Introduction & Possession of Fish and Other Animals:

- 1) Importing of Certain Marine Organisms - Live Importing for Introduction into Coastal Waters: It is illegal to import live marine organisms or possess them for purposes of introducing, or to introduce them into coastal waters without a permit issued by the commissioner of the Department of Marine Resources. An exception is made for Atlantic salmon imported by the Atlantic Salmon Commission. Me. Rev. Stat. Ann. tit. 12, § 6071(1) (2003).
- 2) Importing of Certain Marine Organisms - Permits and Regulations on Importing for Introduction: The commissioner may grant such a permit if importing, possessing, or introducing will not harm the native marine life or their environment. If the organism has not previously been introduced under a permit, the commissioner shall hold a hearing before granting the permit. The commissioner may promulgate or amend rules regarding importing and introducing organisms into coastal waters. The commissioner may promulgate or amend rules regarding issuing permits to prevent introducing viruses, fungi, bacteria, or any other infectious or contagious parasite or disease, predators, or other organisms that may endanger native marine life or their environment. Me. Rev. Stat. Ann. tit. 12, § 6071(2) (2003).
- 3) Importing of Certain Marine Organisms - Restricting Importation of Organism: The commissioner may make rules restricting importing a marine organism from a specific place if the organism is infected or diseased, or is from that place. Me. Rev. Stat. Ann. tit. 12, § 6071(2-A) (2003).
- 4) Importing of Certain Marine Organisms - Organism and Products Embargoed and Condemned:

The commissioner may condemn, order destroyed, or embargo any marine organism, whether native or nonnative if:

- A. In violation of this section the organism is introduced to coastal waters, and the commissioner determines that the organism is of unsound quality or is harmful.
- B. The organism is meant to be introduced to coastal waters, and the commissioner determines that the organism is diseased or could harm native marine life or their environment.

- C. Handling the organism could lead to its introduction to coastal waters, and the commissioner determines that the organism is diseased or could harm native marine life or their environment.

The commissioner shall cooperate with similar federal and state agencies to protect public health and to enforce the orders to condemn, destroy, or embargo in the protection of public health and in enforcing the order to embargo, condemn or destroy.

The commissioner shall notify the owners in writing as soon as possible about the type and quantity and of any organism condemned, destroyed, or embargoed. Me. Rev. Stat. Ann. tit. 12, § 6071(3) (2003).

- 5) Importing of Certain Marine Organisms – Salmon Imports Prohibited: Except as otherwise provided, it is illegal to import Atlantic salmon or its eggs for introduction into any Maine waters, if the salmon originates from Icelandic or European waters. This ban also applies to any salmon, except for rainbow trout, that is from west of the continental divide of North America. The commissioner may give a two year exemption for legitimate aquacultural systems. The exemption may be renewed upon application. Me. Rev. Stat. Ann. tit. 12, § 6071(4) (2003).
- 6) Atlantic Salmon Imports; Exemption from Prohibition for Fisheries Enhancement: Atlantic salmon or its eggs may be imported in order to enhance Maine’s Atlantic salmon fisheries if the Atlantic Salmon Commission gives an exemption. Me. Rev. Stat. Ann. tit. 12, § 9906 (2003).

#### Introduction & Possession of Plants:

- 1) Prevention of the Spread of Invasive Aquatic Plants – Prohibition: A person may not possess, transport, cultivate, import, or distribute any invasive aquatic plant, or part of one, in such a way that the plant could get into state waters. Me. Rev. Stat. Ann. tit. 38, § 419-C(1)(B) (2004).
- 2) Prevention of the Spread of Invasive Aquatic Plants – Prohibition: A person may not sell, or offer to sell in Maine, any invasive aquatic plant. Me. Rev. Stat. Ann. tit. 38, § 419-C(1)(C) (2004).

Control of Invasive Plants:

- 1) Aquatic Nuisance Species Control - Definitions: Defines an invasive aquatic plant as one identified through rulemaking by DEP, or as one of several listed species. Me. Rev. Stat. Ann. tit. 38, § 410-N(1)(B) (2003).
- 2) Aquatic Nuisance Species Control - Control: DEP shall investigate and document invasive aquatic plant occurrences in state waters. It may undertake methods to control invasive aquatic plants. Me. Rev. Stat. Ann. tit. 38, § 410-N(3) (2003).
- 3) Aquatic Nuisance Species Control - Control: If DEP deems it feasible, it may attempt to eradicate an invasive aquatic plant from a water body. If the DEP commissioner determines that eradication must occur immediately, a license is not needed to use physical, biological, or chemical control material, as long as the control material is specifically intended for the immediate eradication of the invasive aquatic plants in that water body. Before eradication, DEP shall notify owners of land that is adjacent to the eradication area. Me. Rev. Stat. Ann. tit. 38, § 410-N(3)(A) (2003).
- 4) Aquatic Nuisance Species Control - Control: DEP may do research to test innovative control methods to eradicate invasive aquatic plants. Me. Rev. Stat. Ann. tit. 38, § 410-N(3)(B) (2003).
- 5) Aquatic Nuisance Species Control – Control: To eradicate invasive aquatic plants, DEP may develop a plan that includes water level drawdown. If DEP deems it feasible, it may implement that plan. DEP may seek private sector funding to support the plan development or implementation. Me. Rev. Stat. Ann. tit. 38, § 410-N(3)(C) (2003).
- 6) Emergency Authority to Regulate Surface Use: The two commissioners may together issue an emergency order to restrict, restrict access to, or ban any use of any boat on all or part of a water body with a confirmed invasive aquatic plant infestation. The order must be for a specific time. The order may only be issued when the infestation could be worsened or spread by using boats on the water body. The order can require that any boats on the water body be removed at specified locations. The order can further require that those boats, trailers, and equipment be inspected and cleaned by designated state boat inspectors upon being taken out of the water at specified locations. Me. Rev. Stat. Ann. tit. 38, § 1864 (2004).

If the water body is used as a public drinking water supply, and chemicals are to be used to combat the infestation, the commissioners

must first notify the public. The notice shall at least include notifying adjoining municipalities, drinking water suppliers who use that water, property owners, and other affected persons. There must be adequate time for public review and comment. Chemicals may not be used on a public water supply unless each public water supplier consents in writing. Me. Rev. Stat. Ann. tit. 38, § 1864 (2003).

Bait:

- 1) Importing Live Bait: May not import live fish into Maine if the fish are commonly used as bait in inland waters. Me. Rev. Stat. Ann. tit. 12, § 7613 (2003) (Repealed effective July 30, 2004) (Replaced by Me. Rev. Stat. Ann. tit. 12, § 12556, effective July 30, 2004).
- 2) Importing Live Bait: Any one who violates tit. 12, § 12556 commits a Class E crime. The court shall also fine the person \$20 for each unlawfully possessed fish. None of the fine may be suspended. Me. Rev. Stat. Ann. tit. 12, § 12556 (2004).

Fish Propagation and Aquaculture:

- 1) Research and Aquaculture Leases – Research and Aquaculture Leases: The commissioner of the Department of Marine Resources has the authority to lease for aquaculture areas in, on, and under coastal waters. Me. Rev. Stat. Ann. tit. 12, § 6072(1) (2003).

Boat Launching & Inspection:

- 1) Operating Watercraft; Prohibitions - Launching Contaminated Watercraft: No one may launch or operate a watercraft contaminated with an invasive aquatic plant into inland waters. The penalty for doing so is a forfeiture of a minimum of \$500 and a maximum of \$5,000 per violation. Me. Rev. Stat. Ann. tit. 12, § 13068(1) (2004) (Effective July 30, 2004) (Replaces tit. 12, § 7801(38)).
- 2) Operating Watercraft; Prohibitions - Launching Contaminated Watercraft: It is illegal to launch, remove, or operate a watercraft, or to refuse an inspection, in a water body or part of a water body in which watercraft use is restricted or prohibited under a tit. 38, § 1864 emergency order. Me. Rev. Stat. Ann. tit. 12, § 13068(15) (2004).
- 3) Operating Watercraft; Prohibitions - Launching Contaminated Watercraft: The penalty for doing so is a fine of a minimum of \$500 and a maximum of \$5,000 per violation. Me. Rev. Stat. Ann. tit. 12, § 13068(15A) (2004).

- 4) Operating Watercraft; Prohibitions - Launching Contaminated Watercraft: Committing three or more violations within a five year period is a Class E crime. Me. Rev. Stat. Ann. tit. 12, § 13068(15B) (2004).
- 5) Prevention of the Spread of Invasive Aquatic Plants – Prohibition: A person may not transport on a public road any aquatic plant, or part of one, on the outside of a boat, vehicle, boat trailer, personal watercraft, or other equipment. Me. Rev. Stat. Ann. tit. 38, § 419-C(1)(A) (2003).
- 6) Prevention of the Spread of Invasive Aquatic Plants: A person may not fail to remove any aquatic plant, or part of one, from the outside of a boat, vehicle, boat trailer, personal watercraft, or other equipment that is on a public road. Me. Rev. Stat. Ann. tit. 38, § 419-C(1)(D) (2004).
- 7) Prevention of the Spread of Invasive Aquatic Plants – Penalty: A person who violates Section 419 – C may be penalized a maximum of \$500 for the first violation, and a maximum of \$2500 for a subsequent violation. Me. Rev. Stat. Ann. tit. 38, § 419-C(2) (2003).
- 8) Program to Prevent Infestation of and to Control Invasive Aquatic Plants - Program: Authorizes a program [hereafter “the program”] to inspect boats, outboard motors, and boat trailers for the presence of invasive aquatic plants. The inspections will occur at or near state borders and at boat launching sites. The program shall be implemented jointly by the DEP commissioner and the commissioner of Inland Fisheries and Wildlife [hereafter “the two commissioners” or “the two departments”]. Also authorizes distributing educational materials on invasive aquatic plants to the public and to boat owners. Me. Rev. Stat. Ann. tit. 38, § 1862(1) (2003).
- 9) Program to Prevent Infestation of and to Control Invasive Aquatic Plants – Other Inspection Stations Allowed: Boats may be inspected at launching sites on already infested inland waters. Inspections may also occur at inland waters launching sites if the inland water has been identified as most at risk of invasive aquatic plant introduction. Me. Rev. Stat. Ann. tit. 38, § 1862(2) (2003).
- 10) Program to Prevent Infestation of and to Control Invasive Aquatic Plants – Program Implementation: In the 2001 boating season [the first year of the law] the two departments were required to spend a minimum of 5,000 person hours inspecting at specified launches, and at least ten roadside areas at or near Maine’s borders. In 2001 the two departments were also required to extensively inform the public, through a variety of media, about the dangers from the invasive

aquatic plans; about how to inspect boats, trailers, and outboard motors, and about how to properly dispose of invasive aquatic plant material. The program was required to include other inspection or education efforts considered appropriate by the two commissioners. Me. Rev. Stat. Ann. tit. 38, § 1862(4) (2003).

- 11) Program to Prevent Infestation of and to Control Invasive Aquatic Plants – Program Implementation: The 2002 and following years' program must be at a level of effort determined by the two commissioners upon consulting the Interagency Task Force on Invasive Aquatic Plant and Nuisance Species. Me. Rev. Stat. Ann. tit. 38, § 1862(4) (2003).
- 12) Harbor Masters on Inland Waters – Authority to Enforce Invasive Aquatic Species Laws: A municipality may appoint a harbor master whose sole duties are to enforce on waters within the municipality's jurisdiction the provisions of tit. 38, § 13058 (requiring watercraft stickers), and subsections 1 and 15 of tit. 38, § 13068. Me. Rev. Stat. Ann. tit. 12, § 13072 (2-A) (2004) (Effective July 30, 2004).

Dedicated Funding:

- 1) Disposition of Specific Revenues - Lake and River Protection Sticker Revenues: Sixty percent of the lake and river protection boat sticker fees shall go to DEP's Invasive Aquatic Plant and Nuisance Species Fund. Forty percent shall go to the Department of Inland Fisheries and Wildlife's Lake and River Protection Fund [\$1 goes to the selling agent under Tit. 12, § 13058(3)]. Me. Rev. Stat. Ann. tit. 12, § 10206(6)(A) (2004) (Effective July 30, 2004) (Replaces tit. 12, § 7794-B).
- 2) Lake and River Protection Fund – Fund Established: Money in the fund may be used to enforce invasive aquatic plants laws; to educate about invasive aquatic plant prevention, eradication, and management activities; to inspect watercraft for invasive aquatic plants; and to make and distribute the stickers. Me. Rev. Stat. Ann. Tit. 12, § 10257 (2004) (Effective July 30, 2004) (Replaces tit. 12, § 7806).
- 3) Invasive Aquatic Plant and Nuisance Species Fund: The Invasive Aquatic Plant and Nuisance Species Fund is funded from lake and river protection sticker fees. The funds are meant only for inspections, and for invasive aquatic plant prevention, eradication, containment, and management activities. The funds may also be used, however, to reimburse agencies for their costs in enforcing or conducting invasive aquatic plants laws or conducting efforts to eliminate or control invasive aquatic plants. The funds may further be used by the DEP

commissioner to contract with municipalities or other entities to inspect for, prevent, or eradicate invasive aquatic plants in order to protect Maine's inland waters from invasive aquatic plants and nuisance species. Me. Rev. Stat. Ann. tit. 38, § 1863 (2004).

Task Forces and Committees:

- 1) Interagency Task Force on Invasive Aquatic Plants and Nuisance Species: Authorizes the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species. Task force will make recommendations to the Land and Water Resources Council regarding control, eradication, and research of invasive aquatic plants and nuisance species. Me. Rev. Stat. Ann. tit. 38, § 1871 (2003).
- 2) Interagency Task Force on Invasive Aquatic Plants and Nuisance Species – Regional Cooperation: The task force shall cooperate with other governmental and private interests in the northeastern United States to form a regional panel. The panel will coordinate and prioritize activities to prevent the spread of milfoil and other nuisance species and invasive aquatic plants. Me. Rev. Stat. Ann. tit. 38, § 1871(5) (2003).
- 3) Action Plan to Protect States' Inland Waters: Details the plan the task force shall take to protect Maine's inland waters. Me. Rev. Stat. Ann. tit. 38, § 1872 (2003).

Aquatic Nuisance Species Control:

- 1) Aquatic Nuisance Species Control - Education: DEP shall make educational materials to inform the public about: The problems that invasive aquatic plant cause; why it is important to prevent transporting aquatic plants; how to identify invasive aquatic plants; and the prohibitions regarding, *inter alia*, the sale, transportation, or possession of invasive aquatic plant. DEP shall make the materials available to law enforcement officers, businesses that sell aquatic plants in Maine, municipalities, water quality monitors, lake associations, and other interested individuals. Me. Rev. Stat. Ann. tit. 38, § 410-N(2) (2003).
- 2) Aquatic Nuisance Species Control - Education: DEP shall provide signs to install at all state fresh water boat launch facilities. These signs shall inform the public that transporting aquatic plants on boats and trailers is prohibited. If funds allow, the DEP may provide these signs at other boat launch sites such as campground boat launches, municipal boat launches, and other frequently used launch sites. Me. Rev. Stat. Ann. tit. 38, § 410-N(2)(A) (2003).

- 3) Aquatic Nuisance Species Control - Education: DEP shall cooperate with the Department of Transportation and the Maine Turnpike Authority to provide signs and educational materials on all major roads on Maine's borders. These signs shall inform incoming boat owners that Maine requires all that all boats and trailers to be absent of aquatic plant material. Me. Rev. Stat. Ann. tit. 38, § 410-N(2)(B) (2003).
- 4) Program to Prevent Infestation of and to Control Invasive Aquatic Plants – Informational Material to be Provided: Authorizes a program to distribute invasive aquatic plant informational material distribution. The material will include a guide on how to identify invasive aquatic plants. The material will also explain how to prevent the spread of invasive aquatic plants. The material will inform about infestations' possible environmental impact, and their other impacts. Me. Rev. Stat. Ann. tit. 38, § 1862(3) (2003).

General:

- 1) Definitions: "'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." Me. Rev. Stat. Ann. tit. 38, § 1861(2) (2003).

\*Note: The statutes listed are not spelled out in their entirety. Only those parts that I felt were germane to ANS were included. I have also paraphrased the statutes to avoid quoting them directly, and to hopefully make them clearer.