

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND
WILDLIFE**

IN OPPOSITION TO L.D. 92

“An Act to Minimize the Propagation of Invasive Aquatic Plants”

SPONSORED BY: Representative Riseman of Harrison

DATE OF HEARING: February 13, 2023

Good morning Senator LaFountain, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Francis Brautigam, Fisheries Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in opposition to **L.D. 92**

Proposed legislation strives to reduce the introduction of aquatic invasive plants to waters of the state by requiring a vessel (boats) and other associated equipment to remove or open drain plugs, bailers, valves and other devices and to drain the water before that vessel is transported when vessels are removed from inland waters. Promoting Clean, Drain, Dry strategies certainly increases the opportunity to create dry conditions that will kill invasive aquatic plants and other invasive organisms (collectively referred to as AIS) that may be present.

The Department supports the intent of the bill as an aquatic invasive risk reduction strategy but opposes a law enforcement approach. The Department opposed this same bill for the same reasons in 2021 as well. During testimony in 2021 the Department conveyed the importance of developing a strong educational public awareness program promoting clean, drain, dry practices. In 2022, the Department in cooperation with the Maine Department of Environmental Protection and stakeholders representing 19 organizations convened 9 meetings to develop a clean, drain, dry public awareness campaign for Maine, as well as identify other meaningful actions to reduce AIS threats in Maine; in total 25 consensus-based action items were identified to further reduce introductions and spread of AIS. These actions focused on BMPs for new boat ramp construction, the courtesy boat inspection program, managing infested waters, funding for prevention and early detection, communication, and outreach, as well as enforcement. I should also mention that advancing a law consistent with this bill was discussed and supported by a number of stakeholders, it was not adopted as a consensus-based action item.

Preventing the introduction of all invasive aquatic organisms (invertebrates, fish, pathogens, as well as plants, etc.) that threaten the ecology of Maine waters remains an important issue for

our agency; one that is also shared by the Department of Environmental Protection, and many other NGO partners, including our clean, drain dry stakeholders. Prior to 2021, both agencies had previously discussed regulatory and nonregulatory approaches to promote the national Clean, Drain, Dry campaign initiated by the Association of Fish and Wildlife Agencies as a platform to create increased national public awareness and prevention. While some states have advanced laws to require Clean, Drain, Dry, others have relied on the messaging through educational and outreach campaigns, which we are pursuing in Maine.

Maine is fortunate to have relatively few invasive plant infestations and is also blessed with the last stronghold of native brook trout in the eastern United States, justifying continued investments to prevent new infestations of plants and other invasive fish and wildlife. Perhaps the greatest concern regarding new infestations results from boats visiting Maine, which pose a significantly greater threat, due to the diversity and abundance of invasive aquatic organisms that are much more prevalent outside the state of Maine. Furthermore, where Maine is a popular vacation destination, the risk from visiting boaters is elevated due to the high volume of seasonal traffic entering Maine.

While the Department supports the intent of the bill, the Department in cooperation with the Maine Department of Environmental Protection and numerous other partners are currently advancing a new clean, drain, dry educational program in Maine. The Department encourages use of nonregulatory, non-enforcement opportunities to create that awareness and promote responsible preventative measures by the public. Another opportunity to increase education about these risks will occur in 2024 when certain boaters will be required to complete a boating education course to operate on Maine waters. This includes both residents and non-resident boaters.

If this committee supports a new law at this time, the Department would welcome the opportunity to address some language and enforcement concerns in the bill that may result in unintended consequences. For example, increasing risks from nonresident visiting boats draining water into Maine lakes that may have been derived from waters outside of Maine, as site conditions at some existing access launches may not accommodate draining and dewatering as intended in the bill.

For enforcement, it will be important to clarify the intent of the bill that requires enforcement action. It appears the bill would require opening all devices to allow water to drain, as well as draining the vessel so it is dry. The authority for Warden Service to search boats, including live wells and other enclosed areas may not support full compliance. The Warden Service is additionally concerned about an expectation of enhanced enforcement effort and a new law utilizing only existing staffing levels

In closing this bill would benefit from additional discussion for reasons mentioned above and to ensure that required actions will not further increase threats, particularly from nonresident boats. Current educational efforts by the Department and its partners to increase public awareness through promotion of Clean, Drain, Dry strategies is a positive step to reduce new infestations of invasive aquatic organisms in Maine waters.

I would be glad to answer any questions at this time or during the work session.