



Report Back

to the 2nd Session of the 132nd Joint Standing
Committee on Inland Fisheries & Wildlife
On Public Law 2025 Chapter 116

**An Act to Enhance Protections Regarding Invasive Aquatic Plant and
Animal Infestations in Inland Waters of the State
&**

**On June 17, 2025, letter from the Joint Standing Committee on Inland
Fisheries and Wildlife to Commissioner Camuso**

Provided jointly by: the Department of Inland Fisheries & Wildlife and the Department of Environmental Protection

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Executive Summary

LD 171 titled An Act to Enhance Protections Regarding Invasive Aquatic Plant and Animal Infestations in Inland Waters of the State was brought forth during the First Session of the 132nd Joint Standing Committee on Inland Fisheries & Wildlife. The bill aimed to require a joint review from the Commissioner of the Department of Environmental Protection and the Commissioner of Inland Fisheries & Wildlife on surface use restrictions, communications to the public and watercraft owners on surface use restrictions, and watercraft inspection protocols, on waters of the State known to be infested with invasive aquatic plants. The bill required a report back on this review to be submitted to the Legislature by January 1, 2026.

The Department of Inland Fisheries & Wildlife (MDIFW) and the Department of Environmental Protection (DEP) jointly testified neither for nor against LD 171. The Departments highlighted the fact that the language of LD 171 was consistent with the work already within the current scope of the Departments' respective program areas and the State's Interagency Task Force on Invasive Aquatic Plants and Nuisance Species. However, testimony acknowledged the intent behind the proposed legislation and reflected appreciation for the continued public and legislative support in addressing aquatic invasive species issues.

The bill was amended to include additional language on an annual report back detailing program activity and passed as [Public Law 2025 Chapter 116](#). This annual report is submitted separately to the Joint Standing Committee on Inland Fisheries & Wildlife. In a work session for the bill, the Joint Standing Committee on Inland Fisheries & Wildlife raised additional questions on the status of aquatic invasive species and surface use restrictions. This was later sent as an informational request letter to MDIFW Commissioner Camuso, and the Department has included the information requested within the letter in this report.

Directive to Department of Inland Fisheries and Wildlife & Department of Environmental Protection

Study & Report Back

Public Law 2025 Chapter 116 – (LD 171) An Act to Enhance Protections Regarding Invasive Aquatic Plant and Animal Infestations in Inland Waters of the State

The unallocated language within Section 5 of this law requires the Commissioner of DEP and the Commissioner of MDIFW to jointly review watercraft inspection protocols and surface use restrictions on inland waters of the State known to be infested with invasive aquatic plants pursuant to Title 38, §1862, subsection 1 and make recommendations related to how these protocols and restrictions could be strengthened. The Commissioners shall also evaluate how information about these restrictions is communicated to members of the public. While this directive requires the Commissioners to jointly review these protocols, restrictions, and communications, both Departments saw value in soliciting input from the State's Interagency Task Force on Invasive Aquatic Plants and Nuisance Species as well as the stakeholder group associated with the Task Force. This ensured that a multitude of perspectives were included in the process of developing recommendations.

This law also requires the Commissioner of DEP and the Commissioner of MDIFW to monitor inland waters of the State known to be infested with invasive aquatic plants and to provide educational materials to the public and watercraft owners regarding surface use restrictions. The Commissioners shall submit a report detailing program activities to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 15th annually. This annual report back has been submitted separately to the Joint Standing Committee on Inland Fisheries and Wildlife and is not contained within this document.

Letter to Commissioner Camuso from the Joint Standing Committee on Inland Fisheries & Wildlife

The Joint Standing Committee on Inland Fisheries & Wildlife requested the following information in a June 17, 2025, letter to Commissioner Camuso after the work session held on March 19, 2025, when the majority voted “Ought to Pass as Amended” on LD 171.

- Which water bodies in the State have confirmed invasive aquatic plant or animal sightings;
- which water bodies in the State have surface use restrictions in place;
- in what areas of the State surface use restrictions are under consideration; and
- and in what areas of the State surface use restrictions were considered but not pursued.

The letter requested the information to be provided to the MDIFW committee upon convening for the 2nd Regular Session of the 132nd Legislature. Given the relevance to the study specifically on surface use restrictions requested through Public Law 2025 Chapter 116, MDIFW has included all information requested within the letter in this report.

Aquatic Invasive Species Infestations

Aquatic Invasive Plants

The Maine Legislature first prohibited species of aquatic invasive plants in the state in the second regular session of the 119th Legislature when eleven species were listed. Four additional species were listed as prohibited by the first regular session of the 131st Legislature in March 2023. The March 2023 change also prohibited all species of milfoil and cabomba because they are very difficult to identify and are used in the aquarium trade. Below is the map of known infested waterbodies as of January 1, 2026. The vast majority of infested waters are in the southern portion of the state but there has been relatively little plant survey work conducted in central Maine and northward. Expanding plant surveys in northern and eastern Maine is a DEP priority through our partnership with Lake Stewards of Maine.

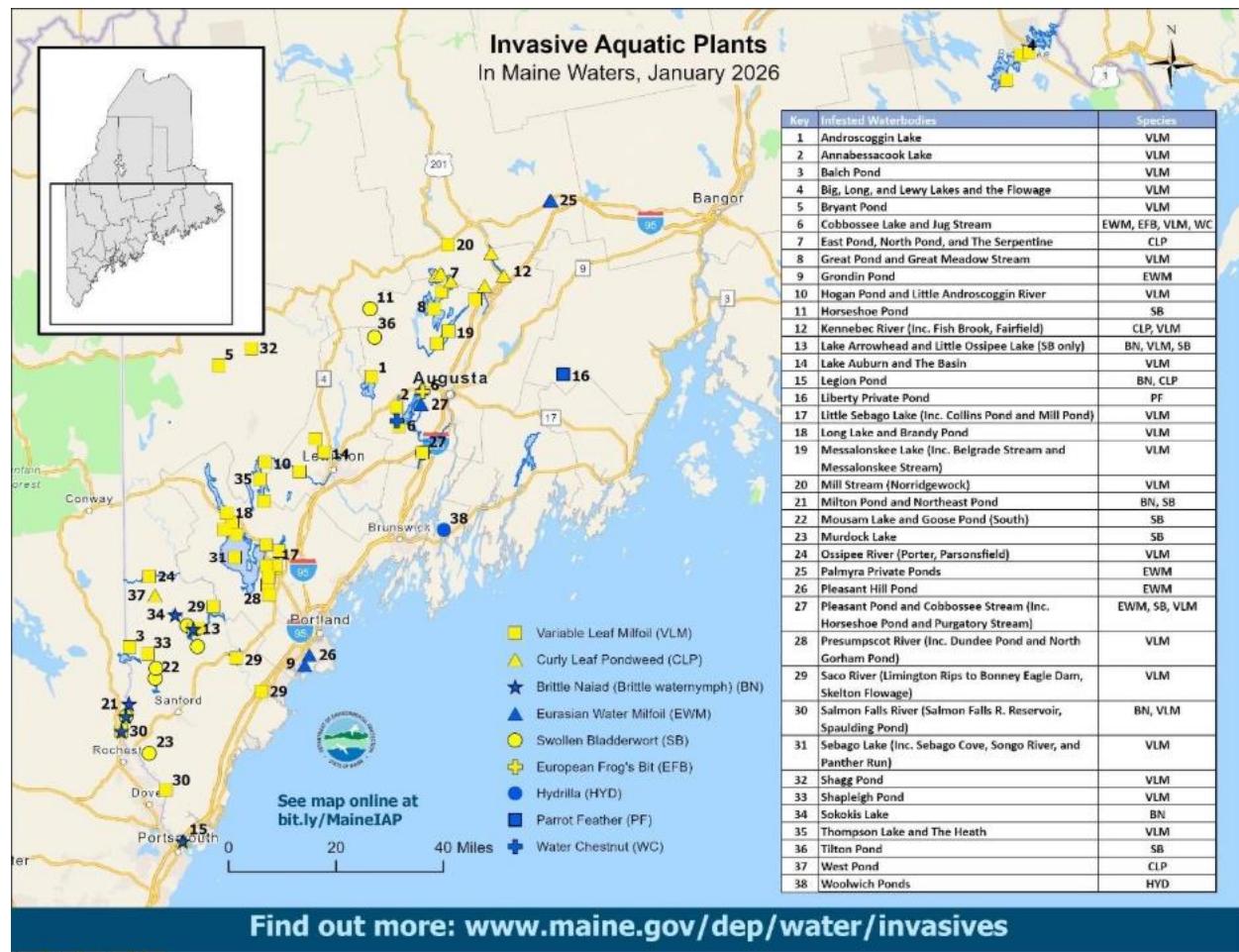


Figure 1. Known infestations of aquatic invasive plants in Maine, January 2026.

Aquatic Invasive Wildlife

Invasive fish species in Maine can be broadly represented by two categories, those that are non-native to the State not originally occupying any of Maine's waters prior to human involvement, and those that are native to certain waters or watersheds within the state but have subsequently been introduced into additional waters. These introductions can be just as harmful to Maine's waters as introductions of species not native to any of Maine's watersheds. The group of non-native to the state fish include well-known species such as Largemouth Bass, Smallmouth Bass, Northern Pike, Muskellunge, Black Crappie, and Common Carp, as well as lesser recognized species such as Bluegill, Central Mudminnow, Green Sunfish, and Rock Bass, among others. Infestations of species that are entirely non-native to the state are simpler to parse out and represent than the new occurrences of species native to other areas of the state. One of many reasons this holds true is due to the widespread introductions occurring prior to formalized or regularly occurring fisheries surveys. For the sake of simplicity, invasive fish infestations are represented in the map below with three caveats that should be noted: 1. Occurrences are denoted with a single marker – these often represent more than one fish species, 2. Many miles of rivers and brooks within the State hold invasive fish, often to the point of a barrier dam or other artificial or natural barrier – these rivers and brooks are not represented due to the scale of this map, 3. As described above, many species of fish native to the state but introduced to new watersheds also represent threat as invasive species – these are excluded as a whole while MDIFW aims to parse through historic occurrence data to better delineate original distributions for species where possible. MDIFW is working to provide online, dynamic maps for the public inclusive of all known invasive fish occurrences across the state.

Since the AIS Coordinator position was initially filled in spring of 2023, MDIFW has been tracking new occurrences and reports of invasive aquatic wildlife including species such as Rusty Crayfish, Zebra Mussel, Freshwater Jellyfish, and a couple species of mystery snail. Many unconfirmed historic records exist via lake or watershed organizations, and volunteers or general public across the state, resulting in a poor understanding of the distribution of some of these species that have been in the state for decades. One novel species, the Zebra Mussel, is currently only found in the St. John River mainstem, downstream of Madawaska, ME.

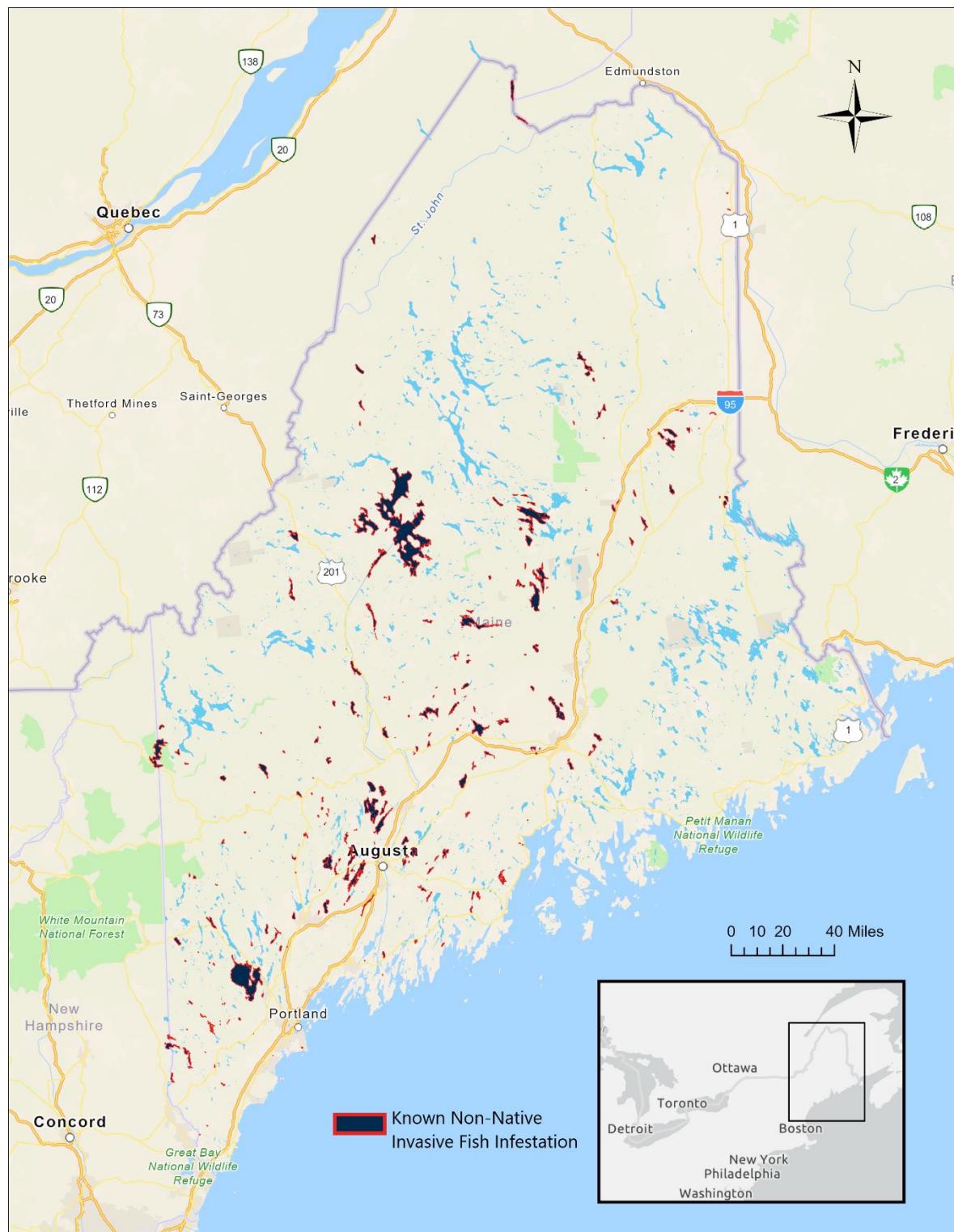


Figure 2. Known infestations of invasive non-native fish in Maine lakes and ponds highlighted in dark blue and outlined in red, exclusive of Largemouth and Smallmouth Bass occurrences in the southern zone of the state where managed as sportfish.

Joint Review on Surface Use Restrictions

Background

The Commissioners of the DEP and the MDIFW have the authority under Title 38, §1864 to regulate the surface use of inland waters under what is commonly referred to as a surface use restriction. This authority currently allows the Commissioners to restrict or prohibit watercraft usage on an entire water body or a portion of a water body known to be infested with an aquatic invasive plant or animal. The surface use restriction allows for active management, mitigation, and/or removal of the aquatic invasive species without on-water recreational use complicating management efforts or increasing the spread of the invasive species.

Surface use restrictions are further regulated via a Memorandum of Understanding (MOU) between DEP and MDIFW that is contained within the State's Rapid Response Plan for Invasive Aquatic Plants, Fish, and Other Fauna, furthermore, referred to as the Rapid Response Plan. The Rapid Response Plan is currently undergoing a review from the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species (further referred to as the Task Force), established in Title 38, §1865. This review will include a determination of whether the MOU between DEP and MDIFW on surface use restrictions is in order. This determination and any proposed changes as a result of this determination, as well as the overall review of the Rapid Response Plan, is due in a biennial report to the Joint Standing Committees on Environment and Natural Resources, Inland Fisheries and Wildlife, and Marine Resources on January 15th, 2027.

Both DEP and MDIFW have Commissioners' designees serving on the Task Force as ex officio voting members, with the DEP Commissioner's designee serving as the chair of the Task Force. Currently, the MOU on surface use restrictions provides additional guidance for the Departments on when and under what circumstances restrictions should apply (for a rapid response or in subsequent management seasons), the process for issuing a surface use restriction, how the public should be notified of a surface use restriction, the size of restrictions, and the length for which restrictions should apply.

Current Surface Use Restrictions

As of January 2026, there are no active surface use restrictions in the state. Per the guiding MOU between DEP and MDIFW, surface use restrictions must be set for a specific time period. For this reason, restrictions are typically set to expire on December 31st of the year in which they were enacted. As an example of the recent usage extent of this authority, in the spring of 2025, the Departments jointly considered surface use restrictions on Androscoggin Lake, Annabessacook Lake, and Cobbsosseecontee Lake. All three waters are at least in part within Kennebec County and are known to be infested with aquatic invasive plants, and the surface use restrictions were specifically considered due to the infestations of variable-leaved water-milfoil and Eurasian water-milfoil.

All three surface use restrictions considered were enacted by the Commissioners of MDIFW and DEP from April 1st, 2025, through December 31st, 2025. The surface use restriction on Androscoggin Lake encompassed one 13-acre section of the lake out of the lake's total 4,025 acres. Annabessacook Lake's surface use restriction included two distinct areas encompassing a total of 72 acres of the lake's 1,416 acres of surface area. The third surface use restriction was for a 5.5-acre area of Cobbsosseecontee Lake, on the outlet stream of the 5,544-acre waterbody. All three waters had active removal and suppression

efforts planned for the summer of 2025 that required a surface use restriction to limit spread and aid in effectiveness of management strategies as outlined in their water specific management plans.

For the 2026 season, surface use restrictions will be finalized by DEP and MDIFW in the spring, prior to the open water season. At this time, the Departments are considering a surface use restriction on the same 13-acre portion of Androscoggin Lake that was restricted in 2025 to enable effective plant removal, which may include herbicide treatment. DEP and MDIFW are also considering surface use restrictions for the same two areas of Annabessacook Lake restricted in 2025, encompassing a total of 72 acres, to assess the efficacy of plant removals that occurred over the 2025 field season. A new surface use restriction for a yet undefined portion of North Pond in Kennebec County may be considered due to an infestation of curly pondweed. A new surface use restriction may also be considered for a portion of Sebago Lake near the Sebago Lake State Park boat access site regarding a long-standing infestation of variable water-leaved water-milfoil. The Departments collectively considered and have already decided not to pursue a surface use restriction on the 5.5-acre area of Cobbosseecontee Lake that was restricted in 2025. The previous usage of surface use restrictions in this area has allowed for effective suppression of the aquatic invasive species, and neither Department believes a further surface use restriction would be warranted.

Recommendations on Strengthening Surface Use Restrictions

In reviewing surface use restrictions with the intent of strengthening them, the Departments collectively identified several recent ways in which surface use restrictions have already been strengthened beyond the prior language in Title 38, §1864. [Public Law 2025 Chapter 116](#) (the same law that necessitates this study) additionally amended Title 38, §1864 based on the recommendation of the Task Force provided to the Joint Standing Committees on Environment and Natural Resources, Inland Fisheries and Wildlife, and Marine Resources in its January 15, 2025, biennial report. This change included the following key pieces that strengthen surface use restrictions and their applicability:

- Added language to allow for a surface use restriction to be enacted on a water body with a confirmed invasive aquatic animal infestation. Prior to this change, surface use restrictions could only be ordered on waters with invasive aquatic plant infestations.
- Amends language such that the Commissioners may specify where watercraft may be launched on waters affected by the order. Previously, the Commissioners only had the ability to specify where watercraft had to be taken out on water affected by the order.
- Removed the requirement that boat inspections required under a surface use restriction must be conducted by state employees and amended the language to include any persons trained by the state and identified by DEP or MDIFW as qualified to properly conduct inspections.

Even in light of the recent changes strengthening Title 38, §1864, as well as the ongoing review of the aforementioned Rapid Response Plan which includes the MOU on surface use restrictions, the Departments identified one additional way in which surface use restrictions themselves may be strengthened. In recent years, some exemptions for surface use restrictions have been made to allow waterfront property owners impacted by a surface use restriction area to traverse their watercraft through the restricted area to access their own waterfront property. Unfortunately, allowing for individualized access through a surface use restriction may lead to confusion on the restriction from those unaware of the exemption for the waterfront property owners and complicates enforcement of

the restricted area for the Maine Warden Service. These exemptions have been made within the language of individual surface use restrictions, and therefore the removal of these exemptions simply requires that the language is no longer added to a surface use restriction. Additional discussion is ongoing between the Departments on the potential to address these historic exemptions, and prevent future ones, in the MOU contained within the State's Rapid Response Plan.

The input solicited from the Task Force on strengthening surface use restrictions yielded comments on clearly documenting the process between DEP and MDIFW in setting surface use restrictions, allowing for outside entities to suggest a surface use restriction, improving enforcement protocols for surface use restrictions, and discussing specific activities that could be added to a surface use restriction beyond surface watercraft usage. The MOU contained within the ongoing review of the State's Rapid Response Plan provides the most appropriate framework for addressing concerns on documentation of the process. The MOU outlines the process itself and could include guidance on the proper documentation of the process moving forward. The MOU also contains specific guidance on what activities may or may not be restricted under a surface use restriction, and therefore the discussion on adding specific activities to surface use restrictions will be ongoing in the Task Force's review of the Rapid Response Plan.

The Departments already receive input from various stakeholders, including lake associations and other watershed organizations, on areas in which these groups feel the Departments should consider a surface use restriction. While this input has primarily been from groups directly involved in the management, monitoring, and removal of aquatic invasive plants, neither Department prevents input from other outside entities. Efforts to improve enforcement of surface use restrictions is already underway as well. While the Maine Warden Service has always prioritized response to potential surface use restriction violations, recent legislation has allowed for increased capacity to respond to surface use restriction related complaints and violations. Public Law 2024 Chapter 612 – An Act to Increase Funding for the Prevention and Control of Invasive Aquatic Species, increased watercraft sticker fees which in part provide additional funding for the enforcement of laws pertaining to invasive aquatic plants and nuisance species. This additional funding will allow for the Maine Warden Service's Investigative Unit to focus dedicated time on all aquatic invasive species issues, including the enforcement of surface use restrictions.

Communication of Surface Use Restrictions

Surface use restrictions are currently communicated to the public via four main pathways:

- A map and description of each surface use restriction is posted on the DEP's website, and MDIFW links to this location on their own website.
- Maps and descriptions of each surface use restriction are shared internally within the MDIFW's biological staff and Warden Service, as well as local lake associations, and they communicate during the regular course of their field-based activities with members of the public near the restricted areas.
- Restricted areas are marked with buoys purchased by the DEP and installed per MOU with the Department of Agriculture, Conservation, and Forestry's Boating Facilities Program.
- MDIFW uses a multi-channel outreach approach to communicate aquatic invasive species (AIS) prevention information to a broad range of outdoor users. Multiple deployments of email communications, social media messaging, and digital outreach occur throughout the year,

allowing MDIFW to reach hundreds of thousands of users annually with consistent AIS prevention messaging. This can and has included specific information on surface use restrictions, and/or linked to the location on the website containing surface use restriction information.

In evaluating these methods of communication, a few areas in which improvements could be made were identified. DEP and MDIFW determined that a need for improved signage, both for surface use restrictions specifically and aquatic invasive species infested waters in general should be explored to improve consistency and efficacy in notifying visitors of restrictions or infestations. This need was further highlighted in recommendations from the Task Force on surface use restriction communications, as the majority of comments provided by the Task Force and its stakeholder group pertained to signage and/or education on signage.

Similarly, the Departments identified a concern over unclear buoys on some waters. In recent years, lake associations and other watershed organizations have relied on “homemade” markers delineating areas with aquatic invasive plant infestations in the hopes of deterring boat traffic, often leading to confusion on whether these areas are under a surface use restriction. This also further complicates the ability to educate and inform the general public and watercraft owners on true surface use restriction demarcation. DEP and MDIFW do support the allowance that has been provided for these homemade demarcated areas through agreement with the Department of Agriculture, Conservation, and Forestry’s Boating Facilities Program. In lieu of these temporary cautionary areas being demarcated on individual waters with inconsistent markings, and having these markings in place for inconsistent times, the Rapid Response Plan under review establishes a specific yellow buoy that should be used in these areas. The Departments would like to further explore developing clearer guidelines for organizations on the use of the buoys, the locations in which they can be used, and the time frame in which they should be removed. Additionally, improving signage on aquatic invasive species infestations at access sites should provide another clearer method of communicating the risk of aquatic invasive species spread to boaters and promote general caution while boating on the water.

Joint Review on Watercraft Inspection Protocols

Background

Formal watercraft inspections currently only occur via the Courtesy Boat Inspection (CBI) Program, which is a key part of aquatic invasive species prevention efforts. CBI programs staff trained inspectors at specific water access sites usually selected and prioritized based on the local organizations that initiate the CBI programs. Inspections are courtesy, as implied in the name, although inspection refusal is minimal across programs. Inspectors are trained to recognize and remove aquatic vegetation, animals, and other debris that may result in transportation of invasive species. CBI staff also act as an on the ground way to educate boaters at boat launches on the Clean, Drain, Dry campaign and the threat of aquatic invasive species. CBI programs operate through a DEP cost-share program, with funding and oversight from the DEP in partnership with organizations like the Lakes Environmental Association out of Bridgton, ME. Data collected through courtesy inspections is reported back to DEP to help inform aquatic invasive species tracking efforts and management.

Recommendations on Strengthening Watercraft Inspection Protocols

The review of watercraft inspection protocols on waters known to be infested with aquatic invasive plants focused on a few ongoing issues that limit how inspection programs can currently run. At current funding and staffing levels for most CBI programs, it is not feasible to extend hours in which an inspector is on-site at a water access site, typically resulting in lack of inspectors during the early morning and/or late evening. Additionally, CBI program wages are typically too low to be competitive in the current job market, making it difficult for some programs to hire enough staff. For waters infested with aquatic invasive plants, funds from DEP's cost share for CBI programs are granted automatically without application to the local organization operating the CBI program. However, as this depends still on the initiation of a CBI program from a local organization, there are waters infested with aquatic invasive plants that do not yet have a CBI program.

The Task Force discussion on strengthening watercraft inspection protocols revolved around the topic of requiring inspections rather than relying on courtesy inspections, or alternatively, requiring watercraft owners conduct a self-inspection when leaving and entering an infested water. CBI programs rely heavily on both high school age inspectors and retired community members. Simply changing the CBI programs from "courtesy" to "mandatory" presents a slew of potential issues in inspector safety and lack of proper established authority. Mandatory self-inspection by watercraft owners was presented in the Task Force discussion as the potentially safer and more feasible option.

While mandatory self-inspections on the outset appear to present a viable solution for increasing watercraft inspections on waters known to be infested with aquatic invasive plants, the Maine Warden Service would face significant challenges in enforcing these inspections. Challenges include the issue of defining an inspection (inclusive of all accessibility considerations) and the burden of proof in documenting that an inspection had or had not taken place. Additionally, mandatory self-inspections may detract participation in inspections from CBI programs. CBI programs funded by DEP cost share on infested waters are required to submit inspection data to DEP. These data are then used to inform aquatic invasive plant management, program planning, and infestation tracking efforts. Reduction in participation in CBI programs may lead to a reduction in the quantity of data transferred to DEP through these programs. It is worth noting that surface use restriction orders already allow for the Commissioners to require mandatory inspections at designated water access sites, and therefore a pathway already exists in statute through which inspections could be mandated on specific waters with infestations. Finally, it is illegal per Title 38 §419-C to transport aquatic vegetation in any part on the outside of a vehicle, boat, personal watercraft, boat trailer or other equipment on a public road. By default, watercraft owners should already be inspecting watercraft to ensure they will not be in violation of this statute.

In this review, the need for increased educational opportunities and efforts relating to watercraft inspections came to the forefront as an area to strengthen. The Departments will be exploring increased educational efforts relating to watercraft inspection protocols, inclusive of the following:

- Continuing social media and email coverage from MDIFW's Information & Education Division to increase overall awareness of aquatic invasive species.
- Designing and implementing improved signage at water access sites to ensure that watercraft operators are aware of the broad threat of aquatic invasive species and are aware of specific invasive species infestations when entering or leaving infested waters. MDIFW has already

initiated a review of the old signs from the “Trouble by the Bucketful” campaign that was focused on illegal introductions of fish. This offers an opportunity for new signage that will be inclusive of not only invasive fish issues, but aquatic invasive species in general.

- Developing an online course for aquatic invasive species education and training on inspections.
- Increasing MDIFW’s educational content and outreach on specific aquatic invasive species issues, boat inspections and how to properly conduct one, spread prevention best management practices, aquatic vegetation transport prohibition law, and surface use restrictions.
- Development of outreach based on the findings of DEP’s current contract with social marketing firm Action Research that is intended to identify barriers preventing individuals from following Clean, Drain, Dry practices.

Focusing on outreach and education to bolster the typical watercraft owner’s awareness of aquatic invasive species and their capability in properly following Clean, Drain, Dry practices will reach a wider audience than relying strictly on areas in which organized CBI programs already exist.

Conclusions

The DEP and MDIFW jointly reviewed surface use restrictions, communications on surface use restrictions, and watercraft inspection protocols at the directive of the Joint Standing Committee on Inland Fisheries & Wildlife, in an effort to strengthen and further protect Maine’s waters from aquatic invasive species. The Departments chose to use the State’s Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, as well as the Task Force’s stakeholder group, to solicit additional input on these topics.

The Departments identified the recent strengthening measures as a result of recent legislation surrounding surface use restrictions and the ongoing review of the State’s Rapid Response Plan and associated surface use restriction Memorandum of Understanding between the Departments. That ongoing review allows for a defined path for additional changes to the process for establishing surface use restrictions and guidance on specific use of restrictions. Communication improvements could be made in improved signage at access sites, developing guidelines for the use of cautionary buoy demarcations, and continued use of MDIFW’s methods of communicating with the general public and watercraft owners on aquatic invasive species related topics.

Watercraft inspections currently formally only exist in areas in which local organizations have initiated a CBI program via a cost-share program with DEP. In reviewing watercraft inspection protocols, the Departments determined that the most widespread impact on improved inspections and overall awareness of aquatic invasive species spread prevention will be made via outreach and education to a broader watercraft owner audience. Improved water access signage, along with potential development of an aquatic invasive species inspection online course and continued use of MDIFW’s current communication methods should allow the Departments to reach these audiences.