

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

---

Legislative Document

No. 580

H.P. 430

House of Representatives, January 28, 1997

**An Act Relating to the Designation of Species As Endangered or Threatened.**

---

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative FISK of Falmouth.  
Cosponsored by Senator RAND of Cumberland and  
Representatives: BULL of Freeport, OTT of York, SAXL of Portland, SHIAH of  
Bowdoinham, TRUE of Fryeburg, USHER of Westbrook, Senators: ABROMSON of  
Cumberland, MILLS of Somerset.

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

2           **Sec. 1. 12 MRSA §7001, sub-§7**, as amended by PL 1995, c. 667,  
4 Pt. A, §2, is further amended to read:

6           **7. Endangered species.** "Endangered species" means any  
8 species of fish or wildlife that has been determined by the  
10 Secretary of the Interior of the United States pursuant to the  
12 United States Endangered Species Act of 1973, Public Law 93-205,  
14 as amended, or by the commissioner pursuant to chapter 713,  
16 subchapter V to be in danger of extinction throughout all or a  
18 significant portion of its range and that is listed as a state  
20 endangered species under section 7753, subsection 3.

22           **Sec. 2. 12 MRSA §7001, sub-§36**, as amended by PL 1995, c. 667,  
24 Pt. A, §3, is further amended to read:

26           **36. Threatened species.** "Threatened species" means any  
28 species of fish or wildlife that has been determined by the  
30 Secretary of the Interior of the United States pursuant to the  
32 United States Endangered Species Act of 1973, Public Law 93-205,  
34 as amended, or by the commissioner pursuant to chapter 713,  
36 subchapter V as likely to become an endangered species within the  
38 foreseeable future throughout all or a significant portion of its  
40 range and that is listed as a state threatened species under  
42 section 7753, subsection 3.

44           **Sec. 3. 12 MRSA §7753, sub-§§1 and 2**, as amended by PL 1995, c.  
46 415, §2, are further amended to read:

48           **1. Standards.** The commissioner shall ~~recomm~~ designate a  
50 species to be listed as endangered or threatened whenever the  
commissioner finds one of the following to exist:

- A. The present or threatened destruction, modification or curtailment of its habitat or range;
- B. Overutilization for commercial, sporting, scientific, educational or other purposes;
- C. Disease or predation;
- D. Inadequacy of existing regulatory mechanisms; or
- E. Other natural or manmade factors affecting its continued existence within the State.

**2. Commissioner's duties.** In ~~recomm~~ designating a  
species to be listed as endangered or threatened, the  
commissioner shall:

2 A. Make use of the best scientific, commercial and other  
data available;

4  
6 B. Consult, as appropriate, with federal agencies, other  
interested state agencies, other states having a common  
interest in the species and interested persons and  
8 organizations; and

10 C. Maintain a list of all species that the Legislature  
commissioner has designated to be endangered or threatened,  
12 naming each species by both its scientific and common name,  
if any, and specifying over what portion of its range each  
14 species so designated is endangered or threatened, except  
that a species may not be added to or deleted from the list  
16 unless notice of the change is published and a public  
hearing held in accordance with procedures established in  
18 section 7035, subsection 1.

20 **Sec. 4. 12 MRSA §7753, sub-§3,** as amended by PL 1995, c. 667,  
Pt. A, §33, is repealed.

22  
24 **Sec. 5. 12 MRSA §7753, sub-§§4 and 5,** as enacted by PL 1995, c.  
415, §2, are repealed.

26

#### SUMMARY

28

30 This bill gives to the Commissioner of Inland Fisheries and  
Wildlife instead of to the Legislature the authority to designate  
wildlife species as endangered or threatened.