

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1997

6
7 H.P. 1413

House of Representatives, February 10, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

10 Reference to the Committee on Energy and Natural Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

11 Cosponsored by Representative Bell of Paris, Senator Brown of
Washington and Representative Coles of Harpswell.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Establish an Official Endangered
18 Plant List.
19

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

22 Sec. 1. 5 MRSA §3311, as repealed and replaced
23 by PL 1979, c. 672, Pt. A, §7, is amended by adding
24 at the end a new paragraph to read:

25 The Legislature further finds that species of na-
26 tive plants are important for human enjoyment, for
27 scientific purposes and as components of their
28 ecosystems for the benefit of the people of this
29 State. Native species of plants within this State
30 and the nation that are reduced in number shall be
31 identified as endangered or threatened so as to en-
32 courage their protection and to maintain and enhance
33 their numbers.

34 Sec. 2. 5 MRSA §3311-A is enacted to read:

1 §3311-A. Definitions

2 As used in the section, unless the context other-
3 wise indicates, the following terms have the follow-
4 ing meanings.

5 1. Critical areas. "Critical areas" means areas
6 containing or potentially containing plant and animal
7 life or geological features worthy of preservation in
8 their natural condition or other natural features of
9 significant scenic, scientific or historical value.

10 2. Endangered plant species. "Endangered plant
11 species" means any species of native plant that is in
12 danger of extinction throughout all or a significant
13 portion of its range within the State or any species
14 determined to be an "endangered species" pursuant to
15 the United States Endangered Species Act.

16 3. Endangered Species Act. "Endangered Species
17 Act" means the United States Endangered Species Act
18 of 1973, Public Law 93-205, as amended.

19 4. Threatened plant species. "Threatened plant
20 species" means any species of native plant likely to
21 become an endangered species within the foreseeable
22 future throughout all or a significant portion of its
23 range within the State or any species of plant deter-
24 mined to be a "threatened species" pursuant to the
25 United States Endangered Species Act.

26 Sec. 3. 5 MRSA §3315 is enacted to read:

27 1. Official list of endangered plants. The Di-
28 rector of the State Planning Office, with the advice
29 of the Critical Areas Advisory Board, shall establish
30 and maintain the official list of native endangered
31 and threatened plants of the State. The purpose and
32 intent of the list is informational.

33 2. Criteria for listing. The State Planning Of-
34 fice may establish procedures to substantiate the
35 identification of endangered and threatened native
36 plant species. In determining the list, the State
37 Planning Office may utilize the rare plant data base
38 of the Critical Areas Program, as well as the knowl-
39 edge of botanists in the State. In addition, the

1 State Planning Office shall consult with federal
2 agencies, interested state agencies, other states or
3 provinces having a common interest and other inter-
4 ested persons and organizations. When establishing
5 the list, the State Planning Office shall determine
6 guide lines for each category by considering such as-
7 pects of plant biology as:

8 A. Endemics: Plant species or subspecies that
9 may be geographically restricted to the State;

10 B. Scarcity: A plant species or subspecies may
11 be numerically scarce throughout their distribu-
12 tion in North America and occur in only a few lo-
13 cations in the State;

14 C. Special habitat: A plant species or
15 subspecies may require special habitat which is
16 scarce in the State or under heavy development
17 pressure, such as, but not limited to, limestone
18 outcrops, alpine areas, calcareous fens and sand
19 plains;

20 D. Limit of their range: A plant species or
21 subspecies may be at the edge of its distribution
22 or beyond its normal range in the State;

23 E. Declining population: A plant species may be
24 threatened or seriously declining due to habitat
25 modification, collection or over utilization for
26 recreational, scientific or educational purposes;
27 and

28 F. Vulnerability: A plant species may be vulner-
29 able to extinction in the State because of de-
30 struction to its habitat.

31 3. Public hearing. The State Planning Office
32 shall conduct at least one public hearing to allow
33 for public comment prior to establishing the list.
34 The State Planning Office may hold other public hear-
35 ings with regard to modifications.

36 4. Biennial review. The State Planning Office
37 shall review the list biennially and update it based
38 upon new botanical inventory data, scientific studies
39 or other documentation.

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STATEMENT OF FACT

2 Rare plant species are an important component of
3 the State's natural heritage. This bill creates an
4 official list of endangered plant species, similar to
5 the Endangered Animal Species List of the Department
6 of Inland Fisheries and Wildlife. Unlike the Depart-
7 ment of Inland Fisheries and Wildlife animal list, it
8 is nonregulatory.

9 The already legislatively-mandated Register of
10 Critical Areas identifies the locations of signifi-
11 cant natural features of the State. Beyond this,
12 there is a need to focus on the plant species in the
13 State that are most endangered in order to alert
14 landowners and conservationists as to the need to lo-
15 cate and protect them. The list will help landowners
16 and developers in making sound land use planning and
17 management decisions. It will help assure that con-
18 servation activities are being directed toward the
19 species that are most deserving. Further, it will
20 assure consistency with the 26 other states having
21 similar lists.

22 The bill also accomplishes one other purpose. It
23 reinserts the definition for "critical areas" that
24 was inadvertently deleted during the First Regular
25 Session of the 112th Legislature.

26 Section 1 provides a declaration of the purpose
27 of establishing an official endangered plant list.

28 Section 2 enacts the Maine Revised Statutes, Ti-
29 tle 5, section 3311-A, by defining "endangered plant
30 species," "threatened plant species," the "United
31 States Species Act" and "critical areas."

32 Section 3 enacts the Maine Revised Statutes, Ti-
33 tle 5, section 3315, by defining the procedures for
34 establishing the official endangered plant list.

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