

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1586, L.D. 2164)
(NEW TITLE)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2568

H.P. 1876 House of Representatives, March 23, 1988
Reported by the Minority from the Committee on Fisheries
and Wildlife and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative McGOWAN of
Canaan. Cosponsored by Senator USHER of Cumberland,
Representatives CLARK of Millinocket and JACQUES of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT to Amend the Endangered Species Act.**
2

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

5 12 MRSA §7756-A is enacted to read:

6 §7756-A. Judicial enforcement

1 1. General. In the event of a violation of this
2 subchapter, any rule adopted pursuant to this
3 subchapter or any license or permit granted under this
4 subchapter, the Attorney General may institute
5 injunctive proceedings to enjoin any further
6 violation, a civil or criminal action or any
7 appropriate combination of those proceedings, without
8 recourse to any other provision of law administered by
9 the Department of Inland Fisheries and Wildlife.

10 2. Restoration. The court may order restoration
11 of any area affected by any activity found to be in
12 violation of this subchapter, any rule adopted
13 pursuant to this subchapter or any license or permit
14 granted under this subchapter to its condition prior
15 to the violation or as near to that condition as
16 possible. When the court finds that the violation was
17 willful, the court shall order restoration under this
18 subchapter unless the restoration would result in:

- 19 A. A threat to public health and safety;
20 B. Environmental damage; or
21 C. A substantial injustice.

22 STATEMENT OF FACT

23 This new draft permits the Attorney General to
24 bring injunctive proceedings to prevent the harm,
25 misuse, export, possession, sale or harassment of
26 endangered species. This parallels the general
27 injunctive authority of the Attorney General to
28 enforce laws administered by the Department of
29 Environmental Protection.

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