

MAINE STATE LEGISLATURE

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DATE: June 15, 1995 (Filing No. S- 268)

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STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to S.P. 167, L.D. 428, Bill, "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature"

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out the title and substituting the following:

'An Act to Provide for Legislative Review of Endangered or Threatened Species Designations'

Further amend the amendment by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 12 MRSA §7753, sub-§2, as enacted by PL 1979, c. 420, §1, is amended to read:

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

A. Make use of the best scientific, commercial and other data available to him the commissioner;

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

C. Maintain a list of all species which ~~he~~ has designated to be endangered or threatened, naming each species

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2 contained therein on the list by both its scientific and
common name, if any, and specifying over what portion of its
4 range each species so designated is endangered or
threatened, ~~except that no species shall be added to or~~
6 ~~deleted from the list unless notice of the change is~~
published and a public hearing thereon has been held in
8 accordance with the procedures established in section 7035,
subsection 1. That list, and all additions and deletions to
10 that list, must be adopted by the commissioner by rule in
accordance with section 7035, subsection 1.

12 **Sec. 2.12 MRSA §7753, sub-§§3 and 4** are enacted to read:

14 **3. Report to the Legislature.** By January 1st of each year,
the commissioner shall report to the joint standing committee of
16 the Legislature having jurisdiction over inland fisheries and
wildlife matters on any species proposed to be designated as
18 endangered or threatened within the next 12 months. That report
must state the justification for each proposed designation and
20 must include a management plan for any species designated as
endangered or threatened within the previous 12 months.

22 **4. Stay of designation.** The designation of a species as
24 endangered or threatened is stayed immediately if, within 30 days
after the effective date of a rule designating a species as
26 endangered or threatened, the commissioner receives a written
request or requests for a stay from 5 or more persons who are
28 residents of this State. Requests for a stay may be submitted by
a single individual or jointly by 2 or more individuals. A stay
30 initiated under this subsection remains in effect:

32 A. If the Legislature is in session when the petition is
received by the commissioner, until 60 calendar days after
34 receipt of the necessary requests; or

36 B. If the Legislature is not in session when the petition
is received by the commissioner, until 60 days after the
38 start of the next legislative session.

40 If the Legislature is in session and a stay is in effect, the
joint standing committee of the Legislature having jurisdiction
42 over inland fisheries and wildlife matters may conduct a public
hearing on that designation or may report out legislation
44 pertaining to endangered or threatened species, or both.

46 **Sec. 3. Application.** This Act does not apply to a designation
of a species as endangered or threatened in effect on the
48 effective date of this Act.'

50 Further amend the bill by inserting at the end before the
statement of fact the following:

SENATE AMENDMENT

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FISCAL NOTE

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The Department of Inland Fisheries and Wildlife will incur
some minor additional costs to submit a required report to the
Legislature and to adopt certain rules. These costs can be
absorbed within the department's existing budgeted resources.' '

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STATEMENT OF FACT

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This amendment changes the title of the bill and replaces
the bill.

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The amendment would temporarily stay the designation of a
species as endangered or threatened if, within 30 days after that
designation takes effect, 5 or more people submit a petition
requesting a stay. A stay would take effect immediately upon the
receipt of the requests by the Commissioner of Inland Fisheries
and Wildlife. If the Legislature is in session when the requests
are received, the stay is effective for 60 days. If the
Legislature is not in session when the requests are received, the
stay remains in effect until 60 days after the start of the next
session of the Legislature. The amendment authorizes the Joint
Standing Committee on Inland Fisheries and Wildlife to conduct
hearings on a designation or to report out legislation on
endangered or threatened species, or both, at any time when the
Legislature is in session and a stay is in effect.

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The amendment also requires the commissioner to annually
report to the Joint Standing Committee on Inland Fisheries and
Wildlife on planned and recent activities regarding endangered
and threatened species and clarifies that the commissioner must
adopt and amend the list of endangered and threatened species
through the rule-making process.

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The amendment also adds a fiscal note to the bill.

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SPONSORED BY:

(Senator MICHAUD)

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COUNTY: Penobscot

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