

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)

DATE: June 12, 1995

(Filing No. S- 249)

INLAND FISHERIES AND WILDLIFE

Reported by: The Minority of the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " B " 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 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 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 contained ~~therein~~ on the list by both its scientific and common name, if any, and specifying over what portion of its range each species so designated is endangered or threatened, ~~--except--that--no--species--shall--be--added--to--or~~

COMMITTEE AMENDMENT

R.S.

COMMITTEE AMENDMENT "B" to S.P. 167, L.D. 428

2 deleted--from--the--list--unless--notice--of--the--change--is
published--and--a--public--hearing--thereon--has--been--held--in
4 accordance--with--the--procedures--established--in--section--7035,
subsection--1. That list, and all additions and deletions to
6 that list, must be adopted by the commissioner by rule in
accordance with section 7035, subsection 1.

8 **Sec. 2. 12 MRSA §7753, sub-§§3 and 4** are enacted to read:

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

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

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

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

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

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

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

48

FISCAL NOTE

2
4 The Department of Inland Fisheries and Wildlife will incur
6 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.'

8
STATEMENT OF FACT

10
12 This is the minority report of the Joint Standing Committee
14 on Inland Fisheries and Wildlife. This amendment changes the
title of the bill and replaces the bill.

16 The amendment would temporarily stay the designation of a
18 species as endangered or threatened if, within 30 days after that
20 designation takes effect, 5 or more people submit a petition
22 requesting a stay. A stay would take effect immediately upon the
24 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.

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

36
The amendment also adds a fiscal note to the bill.