

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 428

S.P. 167

In Senate, February 6, 1995

**An Act to Require That Additions to the Endangered Species List Be
Approved by the Legislature.**

(EMERGENCY)

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CIANCHETTE of Somerset.
Cosponsored by Senator CAREY of Kennebec and
Senators: BEGLEY of Lincoln, BERUBE of Androscoggin, HALL of Piscataquis,
HARRIMAN of Cumberland, HATHAWAY of York, KIEFFER of Aroostook, LORD of
York, PARADIS of Aroostook, RUHLIN of Penobscot, STEVENS of Androscoggin,
Representatives: BAILEY of Township 27, CAMPBELL of Holden, CLOUTIER of South
Portland, DiPIETRO of South Portland, FISHER of Brewer, GOULD of Greenville,
GREENLAW of Standish, JACQUES of Waterville, JONES of Pittsfield, KEANE of Old
Town, LIBBY of Kennebunk, MURPHY of Berwick, POVICH of Ellsworth, REED of
Dexter, ROTONDI of Madison, SAVAGE of Union, STEDMAN of Hartland, TUFTS of
Stockton Springs.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** certain natural resources of the State are in need
6 of protection; and

8 **Whereas,** amendments to the State's list of endangered and
threatened species must occur in a timely fashion; and

10 **Whereas,** in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

18 **Sec. 1. 12 MRSA §7753,** as enacted by PL 1979, c. 420, §1, is
20 amended to read:

22 **§7753. Designation of endangered species**

24 **1. Standards.** The commissioner shall ~~designate~~ recommend a
species to be listed as endangered or threatened whenever ~~he~~ the
26 commissioner finds one of the following to exist:

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

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

- 44 A. Make use of the best scientific, commercial and other
46 data available ~~to him~~;
- 48 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~~ that the Legislature has designated to be endangered or threatened, naming each species ~~contained therein~~ 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 delete.~~ The commissioner may delete a species from the list unless, but only if notice of the change is published and a public hearing ~~thereon~~ has been held in accordance with the procedures established in section 7035, subsection 1.

3. Legislative authority. The Legislature, as sole authority, shall designate a species as endangered or threatened. The list is as follows:

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
<u>Least Tern</u>	<u>Sterna albifrons</u>	<u>Endangered</u>
<u>Golden Eagle</u>	<u>Aquila chrysaetos</u>	<u>Endangered</u>
<u>Piping Plover</u>	<u>Charadrius melodus</u>	<u>Endangered</u>
<u>Sedge Wren</u>	<u>Cistothorus platenis</u>	<u>Endangered</u>
<u>Grasshopper</u>	<u>Ammodramus</u>	<u>Endangered</u>
<u>Sparrow</u>	<u>Savannarum</u>	<u>Endangered</u>
<u>Box Turtle</u>	<u>Terrapene carolina</u>	<u>Endangered</u>
<u>Black Racer</u>	<u>Coluber constrictor</u>	<u>Endangered</u>
<u>Roseate Tern</u>	<u>Sterna dougallii</u>	<u>Threatened</u>
<u>Northern Bog Lemming</u>	<u>Synaptomys borealis</u>	<u>Threatened</u>
<u>Loggerhead Turtle</u>	<u>Caretta caretta</u>	<u>Threatened</u>
<u>Blanding's Turtle</u>	<u>Emydoidea blandingii</u>	<u>Threatened</u>
<u>Spotted Turtle</u>	<u>Clemmys guttata</u>	<u>Threatened</u>

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill requires that the Legislature approve any additions to the State's list of endangered or threatened species.