

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 883

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S.P. 298

In Senate, March 8, 2021

### **An Act To Protect Endangered Species Whose Life Cycles Include Maine Land or Waters**

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.  
Cosponsored by Representative BERRY of Bowdoinham and  
Senators: MAXMIN of Lincoln, VITELLI of Sagadahoc, Representatives: CLOUTIER of  
Lewiston, CRAVEN of Lewiston, DOUDERA of Camden, HEPLER of Woolwich, LANDRY  
of Farmington, TEPLER of Topsham.

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

2 **Sec. 1. 12 MRSA §6973, sub-§1**, as enacted by PL 2003, c. 573, §1, is amended to  
3 read:

4 **1. Commissioner's authority.** The commissioner ~~may~~ shall recommend a marine  
5 species ~~found in the State~~ for designation as a state endangered or state threatened marine  
6 species if that species is listed as an endangered or threatened species by the United States  
7 Secretary of the Interior, pursuant to the United States Endangered Species Act of 1973,  
8 Public Law 93-205, as amended, and if that species uses waters in this State for any part of  
9 its life cycle.

10 The commissioner may recommend marine species found in the State for designation as a  
11 state endangered or state threatened marine species.

12 **Sec. 2. 12 MRSA §6974**, as enacted by PL 2003, c. 573, §1, is amended by enacting  
13 a 2nd indented paragraph to read:

14 The commissioner shall also recommend to be listed as endangered or threatened any  
15 species that is federally listed as endangered or threatened pursuant to the United States  
16 Endangered Species Act of 1973, Public Law 93-205, as amended, if that species uses land  
17 or waters in this State for any part of its life cycle.

18 **Sec. 3. 12 MRSA §12803, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
19 affected by c. 614, §9, is amended to read:

20 **1. Standards.** The commissioner shall recommend a species to be listed as  
21 endangered or threatened whenever the commissioner finds one of the following to exist:

- 22 A. The present or threatened destruction, modification or curtailment of its habitat or  
23 range;  
24 B. Overutilization for commercial, sporting, scientific, educational or other purposes;  
25 C. Disease or predation;  
26 D. Inadequacy of existing regulatory mechanisms; or  
27 E. Other natural or manmade factors affecting its continued existence within the State.

28 The commissioner shall also recommend to be listed as endangered or threatened any  
29 species that is federally listed as endangered or threatened pursuant to the United States  
30 Endangered Species Act of 1973, Public Law 93-205, as amended, if that species uses land  
31 or waters in this State for any part of its life cycle.

32 **Sec. 4. 12 MRSA §12803, sub-§3**, as amended by PL 2017, c. 164, §23, is further  
33 amended by enacting at the end a new blocked paragraph to read:

34 The commissioner shall also recommend to be listed as endangered or threatened any  
35 species that is federally listed as endangered or threatened pursuant to the United States  
36 Endangered Species Act of 1973, Public Law 93-205, as amended, if that species uses land  
37 or waters in this State for any part of its life cycle.

**SUMMARY**

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This bill requires the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to recommend to be listed as endangered or threatened any species that is federally listed as endangered or threatened pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, if that species uses land or waters in this State for any part of its life cycle.