

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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§5166-A. Allocation of state ceiling

By rulemaking pursuant to Title 5, chapter 375, subchapter II, the bank may establish a process for allocation and carry forward of that portion of the state ceiling on issuance of tax-exempt bonds allocated to the bank pursuant to Title 10, chapter 9.

Sec. 13. Procedure for the interim period. The joint standing committee of the Legislature having jurisdiction over State Government shall establish a procedure prior to December 1, 1986, by which emergency allocations may be provided for the interim period defined in section 363, subsection 3.

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

Effective March 21, 1986.

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## CHAPTER 595

H.P. 1413 - L.D. 1997

### AN ACT to Establish an Official Endangered Plant List.

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

Sec. 1. 5 MRSA §3311, as repealed and replaced by PL 1979, c. 672, Pt. A, §7, is amended by adding at the end a new paragraph to read:

The Legislature further finds that species of native plants are important for human enjoyment, for scientific purposes and as components of their ecosystems for the benefit of the people of this State. Native species of plants within this State and the nation that are reduced in number shall be identified as endangered or threatened so as to encourage their protection and to maintain and enhance their numbers.

Sec. 2. 5 MRSA §3311-A is enacted to read:

#### §3311-A. Definitions

As used in the section, unless the context otherwise indicates, the following terms have the following meanings.

1. Critical areas. "Critical areas" means areas containing plant and animal life or geological features worthy of preservation in their natural condition or other natural features of significant scenic, scientific or historical value.

2. Endangered plant species. "Endangered plant species" means any species of native plant that is in danger of extinction throughout all or a significant portion of its range within the State or any species determined to be an "endangered species" pursuant to the United States Endangered Species Act.

3. Endangered Species Act. "Endangered Species Act" means the United States Endangered Species Act of 1973, Public Law 93-205, as amended.

4. Threatened plant species. "Threatened plant species" means any species of native plant likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range within the State or any species of plant determined to be a "threatened species" pursuant to the United States Endangered Species Act.

Sec. 3. 5 MRSA §3315 is enacted to read:

§3315. Endangered plants

1. Official list of endangered plants. The Director of the State Planning Office, with the advice of the Critical Areas Advisory Board, shall establish and maintain the official list of native endangered and threatened plants of the State. The purpose and intent of the list is informational only.

2. Criteria for listing. The State Planning Office may establish procedures to substantiate the identification of endangered and threatened native plant species. In determining the list, the State Planning Office may utilize the rare plant data base of the Critical Areas Program, as well as the knowledge of botanists in the State. In addition, the State Planning Office shall consult with federal agencies, interested state agencies, other states or provinces having a common interest and other interested persons and organizations. When establishing the list, the State Planning Office shall determine guide lines for each category by considering such aspects of plant biology as:

A. Endemics: Plant species or subspecies that may be geographically restricted to the State;

B. Scarcity: A plant species or subspecies may be numerically scarce throughout their distribution in North America and occur in only a few locations in the State;

C. Special habitat: A plant species or subspecies may require special habitat which is scarce in the State or under heavy development pressure, such as, but not limited to, limestone outcrops, alpine areas, calcareous fens and sand plains;

D. Limit of their range: A plant species or subspecies may be at the edge of its distribution or beyond its normal range in the State;

E. Declining population: A plant species may be threatened or seriously declining due to habitat modification, collection or over utilization for recreational, scientific or educational purposes; and

F. Vulnerability: A plant species may be vulnerable to extinction in the State because of destruction to its habitat.

3. Public hearing. The State Planning Office shall conduct at least one public hearing to allow for public comment prior to establishing the list. The State Planning Office may hold other public hearings with regard to modifications.

4. Biennial review. The State Planning Office shall review the list biennially and update it based upon new botanical inventory data, scientific studies or other documentation.

Effective July 16, 1986.

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## CHAPTER 596

H.P. 1448 - L.D. 2041

AN ACT to Conserve Striped Bass.

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

Sec. 1. 12 MRSA §6555, as amended by PL 1985, c. 202, is further amended to read: