

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

the time of adoption eligible for participation in the program.

**2. Standards.** All applicants for the Adoption Assistance Program must meet department standards for adoption except for financial eligibility.

**3. Assistance.** Assistance may be provided for special needs only and may be varied based on the special needs of the child. Assistance may be provided for a period of time based on the special needs of the child.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1995-96	1996-97
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Aid to Families with Dependent Children - Foster Care</b>		
All Other	\$15,221	\$30,442
Provides funds for the increased state share of Adoption Assistance Program costs.		
<b>Child Welfare Services</b>		
All Other	10,368	20,736
Provides funds for the Adoption Assistance Program.		
<b>Purchased Social Services</b>		
All Other	(25,589)	(46,619)
Deappropriates funds as a result of a reduction in funding for family outreach counseling in fiscal year 1995-96 and the elimination of funding for family outreach counseling in fiscal year 1996-97 in order to provide funds for the Adoption Assistance Program.		
<b>Social Services - Regional</b>		
All Other		(4,559)
Deappropriates funds due to a reduction in general operating expenses in order to provide funds for		

the Adoption Assistance Program.

<b>DEPARTMENT OF HUMAN SERVICES</b>	_____	_____
<b>TOTAL</b>	-\$0-	-\$0-

**Sec. 3. Allocation.** The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

	1995-96	1996-97
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Aid to Families with Dependent Children - Foster Care</b>		
All Other	\$26,251	\$52,502
Allocates funds representing the federal share of the increased funding for the Adoption Assistance Program.		

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

Effective July 3, 1995.

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**CHAPTER 415**

**S.P. 167 - L.D. 428**

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

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

**Sec. 1. 12 MRSA §7001, sub-§7,** as enacted by PL 1979, c. 420, §1, is amended to read:

**7. Endangered species.** "Endangered species" means any species of fish or wildlife ~~which that~~ that has been determined by the Secretary of the Interior of the United States pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, ~~or the commissioner pursuant to this chapter~~ to be in danger of extinction throughout all or a significant portion of its range or listed under section 7753, subsection 3.

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

**§7753. Designation of endangered species**

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

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

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

- A. Make use of the best scientific, commercial and other data available ~~to him~~;
- 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 from the list unless 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 platensis</u>	<u>Endangered</u>
<u>Grasshopper Sparrow</u>	<u>Ammodramus 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>

**4. Process for recommendation; notice and hearings.** Prior to recommending an addition, deletion or other change to the endangered and threatened species listed in subsection 3, the commissioner shall provide for public notice and public hearings on that proposed recommendation in accordance with the provisions of Title 5, chapter 375, subchapter II.

**5. Designation by Legislature.** The Legislature may not amend the list of endangered or threatened species in subsection 3 except upon the recommendation of the commissioner.

See title page for effective date.

**CHAPTER 416**

**H.P. 691 - L.D. 942**

**An Act to Improve Highway Signing Information**

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

**Sec. 1. 23 MRSA §1912-B** is enacted to read:

**§1912-B. Logo signs on the interstate highway system**

Pursuant to rules adopted under this section, the commissioner may authorize the placement of logo signs within the right-of-way of the interstate system. A logo sign may not be larger than existing service