

# 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**

**§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

information signs permitted on the interstate highway. More than one sign per exit is prohibited. A logo sign may include logos for tourist attractions, such as museums or other locations of public interest. To the fullest extent possible, the commissioner shall ensure that each logo sign include at least one logo for gas, one logo for food and one logo for lodging. Rules adopted under this section must regulate the size, shape, manner and location of logo signs and must describe the procedure for applying to the department for permission to erect a logo sign and the criteria used by the department to select among applicants. The commissioner shall charge an initial fee for the production and placement of a logo sign and an annual fee to cover the maintenance costs. Fees charged must approximate direct costs.

The commissioner, with the advice of the Travel Information Advisory Council, shall adopt rules to implement this section. Those rules may not be adopted until March 15, 1996. The commissioner shall report to the Joint Standing Committee on Transportation in January 1996 on the development of those rules.

**Sec. 2. 23 MRSA §1913-A, sub-§6,** as corrected by RR 1991, c. 2, §89, is amended to read:

**6. Interstate system.** None of the signs referred to in this section, other than signs conforming with subsection 1, paragraphs B and C and logo signs erected pursuant to section 1912-B, may be located within the right-of-way limits of the interstate system or within 660 feet of the nearest edge of the interstate system and erected in such a fashion that the message may be read from the interstate highway.

**Sec. 3. Improvement of highway signing.** The Department of Transportation shall review highway signing and develop a plan to make the State's highway signing easier to use. That plan must be implemented by the department as signs are replaced and as funding becomes available. In developing that plan, the department shall consider:

1. Including the distance in miles to towns on signs that indicate the direction to a town;
2. Including on directional signs the name and distance in miles to known tourist destinations and towns along that route;
3. Placing signs indicating lane use over the road and respective lane; and
4. Improving signing to major points of interest to tourists.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1995-96      1996-97

**TRANSPORTATION,  
DEPARTMENT OF**

**Logo Signing Program**

All Other	\$5,000	\$5,000
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Authorizes expenditures for general operating expenses of the Logo Signing Program.

See title page for effective date.

**CHAPTER 417**

**H.P. 866 - L.D. 1216**

**An Act to Amend the Maine Civil Rights Act**

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

**Sec. 1. 5 MRSA §4681,** as amended by PL 1993, c. 442, §1, is further amended to read:

**§4681. Violations of constitutional rights; civil action by Attorney General**

Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured. Each violation of this section is a civil violation for which a civil penalty of not more than \$5,000 for each defendant may be adjudged. These penalties must be applied by the Attorney General in carrying out this chapter. The civil action must be brought in the name of the State and instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business or where the alleged violation occurred. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this