

## **MAINE ENDANGERED SPECIES LEGISLATIVE ACTION ALERT AND TALKING POINTS**

**LD 883** - **An Act To Protect Endangered Species Whose Life Cycles Include Maine Land or Waters** has just been printed. This proposed legislation plugs an important loophole where certain federally listed species receive less protection in Maine because their listing here is discretionary. We don't know yet when a public hearing will be scheduled but written comments can be submitted regardless.

Maine has two endangered species lists: The Marine Endangered Species Act (**Marine ESA**), managed by the Maine Department of Marine Resources (DMR) and the Maine Endangered Species Act (**MESA**), managed by the Maine Department of Inland Fisheries and Wildlife (IFW).

### **TALKING POINTS:**

**Please feel free to cut and paste from these and/or personalize with your own comments**

1. Federal listing alone does not ensure state management.
2. The purpose of the federal ESA is to protect and recover imperiled native species and the ecosystems they depend to prevent them from going extinct.
3. Inclusion of a Threatened or Endangered species on either Marine ESA or MESA means more attention and better management effort from all relevant state agencies.
4. If a species is listed as Endangered under the Federal ESA, it is by default and definition in danger of going extinct throughout its population range.
5. We know enough to list 30 species as Threatened or Endangered at the state level when the species is not at risk of extinction across its range. We cannot justify not listing a species at the state level when it is at risk of extinction across its national range.
6. From 1979 to 1996, Maine's definition of Endangered Species included a designation by the Secretary of the Interior.
7. In 1996 with LD 164, Maine took responsibility for listing endangered species away from the state and federal scientists and gave it to the legislature. Twenty-five years later it's time we gave it back.
8. There is no biological reason for Maine not to list a species that USFWS and NMFS have listed as Endangered or Threatened.
9. To the extent possible, besides protecting species, our goal is to depoliticize the listing process.
10. Maine is one of only ten states (and the only state in the northeast) that does not mandate or highly recommend state-level listing of federally-listed species.
11. There are currently 16 federally-listed threatened and endangered birds, mammals, reptiles and fish found in Maine. Of those, 10 are also listed at the state level. The 6 federally-listed species found in Maine that are not listed at the state level are the red knot, Canada lynx, blue whale, green turtle, Atlantic salmon, Atlantic sturgeon.
12. Species around the world are going extinct at an unprecedented rate. Factors include population growth, development, resource extraction (timber and mineral), wireless radiation pollution, pesticide and other toxic chemical use, light pollution, over-harvest and exploitation, invasive species, decrease in hydrologic nutrient flows from damming, fragmentation of habitat and habitat loss in terrestrial, riverine and lacustrine systems, ocean noise pollution (ship traffic, military sonar, seismic exploration) and climate change.

13. Given the threats above, it would be unrealistic to think that the number of federally listed threatened and endangered species will not increase. Any species threatened or endangered at the federal level is in danger of extirpation and deserves state protection as well.

**BILL AMENDMENT:**

The bill as printed does not include our submitted **Legislative Authority** amendments. These remove discretionary authority for listing federal species from the legislature. When the bill is introduced, Senator Miramant will make the changes, presumably as an amendment. We want to support the legislation with these changes which will remove all discretion, both by the Commissioner and the Legislature, from the process for automatically including federally listed species found here on Maine's Threatened and Endangered species lists. See below for existing and proposed bill language.

**Title 12: CONSERVATION**

**Part 13: INLAND FISHERIES AND WILDLIFE**

**Subchapter 3: ENDANGERED SPECIES; MANAGEMENT AND RESEARCH**

*New text  
Deletions*

**§. 12803. Designation of endangered species**

1. Standards. The commissioner shall recommend a species to be listed as endangered or threatened whenever 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.

*The commissioner shall also 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.*

The following amendment will be proposed in committee:

**3. Legislative authority**

*Any federally listed threatened or endangered species (1) using Maine lands and or waters for any part of their life cycles must also be listed under Maine's Endangered Species Act or Maine Marine Endangered Species Act. The Legislature, as sole authority, shall designate a additional species as a state endangered or state threatened species. The list of state endangered or state threatened species by common name, scientific name and status is as follows...*

**Title 12: CONSERVATION**

**Part 9: MARINE RESOURCES**

**Chapter 631: ENDANGERED OR THREATENED MARINE SPECIES**

*New text  
Deletions*

**§6973. Designation of marine species as state endangered or state threatened**

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

The following amendment will be proposed in committee:

**§6974. Legislative authority**

*Any federally listed threatened or endangered species (1) using Maine lands and or waters for any part of their life cycles must also be listed under Maine's Endangered Species Act or Maine Marine Endangered Species Act. The Legislature has sole authority to designate a additional marine species as a state endangered or state threatened species or to remove a species or change the designation of a species listed in section 6975 pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended.*

## **HOW TO SUBMIT WRITTEN TESTIMONY:**

While the Inland Fisheries & Wildlife Committee is listed as the committee of jurisdiction, this bill will be heard in a joint session by both IF&W and Marine Resources Committees. Comments should be addressed to Chairs of both committees:

[Senator Dill](#)

[Representative Landry](#)

[Senator Miramant](#)

[Representative McCreight](#) and members of the IF&W and Marine Resources Committees

Your testimony should have a clear **Title**; identifying you or your organization, the bill number and title and your position, i.e. **Turtle Conservancy Testimony in Support of LD883: An Act to Protect Endangered Species Whose Life Cycles Include Maine Land or Waters**

Your testimony should close with your request of the Committees: **Please Vote Ought to Pass as Amended.**

Testimony can be emailed to [Linda Lacroix, Clerk](#) of both committees.

It is worth a look at committee legislators to see if there are any with a personal connection you can reach out to. Committee rosters are at these links:

<http://legislature.maine.gov/committee/#Committees/IFW>

<http://legislature.maine.gov/committee/#Committees/MAR>

## **HOW TO SUBMIT ORAL TESTIMONY:**

To provide oral testimony before the committee on the hearing date (TBD), please register through the Maine Legislature's [online portal](#).

Here are easy, step-by-step instructions for signing up on the online portal:

- Click on *Public Hearing*
- Select Inland Fisheries and Wildlife from the committee dropdown menu.
- Select date....and time..... from the date dropdown menu.
- Select **LD 883, An Act To Protect Endangered Species Whose Life Cycles Include Maine Land or Waters** from the list of bills being considered by the Committee that day.
- Select the "I would like to present my testimony live" button.
- Enter your information and click *submit*. You will receive an email with a link to participate in the Zoom Hearing.
- To provide oral testimony, register no later than 30 minutes prior to the posted start time of the meeting.
- You can be sure the process was successful when you receive an automatically generated email with the Zoom link for the meeting. No further action is required on your part. **Wait until the day of the meeting to click the link to JOIN.**
- It is highly recommended that you provide a written copy of your oral testimony. When you register to testify, you can also upload the original document.

## **WITH QUESTIONS, PLEASE CONTACT:**

**Ed Friedman**, Chairman, Friends of Merrymeeting Bay: [edfomb@comcast.net](mailto:edfomb@comcast.net)

**Emily Bastian**, National Vice Chair, Native Fish Coalition: [info@nativefishcoalition.org](mailto:info@nativefishcoalition.org)