

### §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; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Overutilization for commercial, sporting, scientific, educational or other purposes; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Disease or predation; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Inadequacy of existing regulatory mechanisms; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Other natural or human-made factors affecting its continued existence within the State. [RR 2021, c. 2, Pt. B, §78 (COR).]

[RR 2021, c. 2, Pt. B, §78 (COR).]

**2. Commissioner's duties.** In 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; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

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; [PL 2023, c. 60, §1 (AMD).]

C. Maintain a list of all species that the Legislature has designated to be endangered or threatened, naming each species 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; and [PL 2023, c. 60, §1 (AMD).]

D. Report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no less frequently than every 4 years on any recommendations, status updates or changes to the list of species designated as endangered or threatened. [PL 2023, c. 60, §1 (NEW).]

[PL 2023, c. 60, §1 (AMD).]

**3. Legislative authority.** The Legislature, as sole authority, shall designate a 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:

A. Least tern, *Sterna antillarum*, endangered; [PL 2007, c. 166, §1 (AMD).]

B. Golden eagle, *Aquila chrysaetos*, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

C. Piping plover, *Charadrius melodus*, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

D. Sedge wren, *Cistothorus stellaris*, endangered; [PL 2023, c. 60, §2 (AMD).]

E. Grasshopper sparrow, *Ammodramus savannarum*, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

F. [PL 2023, c. 60, §3 (RP).]

G. Black racer, *Coluber constrictor*, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]

- H. Roseate tern, *Sterna dougallii*, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- I. Northern bog lemming, *Synaptomys borealis*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- J. Blanding's turtle, *Emydoidea blandingii*, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- K. Black tern, *Chlidonias niger*, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- L. American pipit, *Anthus rubescens* (breeding population only), endangered; [PL 2007, c. 166, §1 (AMD).]
- M. Peregrine falcon, *Falco peregrinus* (breeding population only), endangered; [PL 2007, c. 166, §1 (AMD).]
- N. Roaring Brook mayfly, *Epeorus frisoni*, threatened; [PL 2015, c. 121, §1 (AMD).]
- O. Ringed boghaunter, *Williamsonia lintneri*, threatened; [PL 2007, c. 166, §1 (AMD).]
- P. Clayton's copper, *Tharsalea dorcas claytoni*, threatened; [PL 2023, c. 60, §4 (AMD).]
- Q. Edwards' hairstreak, *Satyrrium edwardsii*, endangered; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- R. Hessel's hairstreak, *Callophrys hesseli*, endangered; [PL 2007, c. 166, §1 (AMD).]
- S. Katahdin arctic, *Oeneis polixenes katahdin*, endangered; [PL 2023, c. 60, §5 (AMD).]
- T. Spotted turtle, *Clemmys guttata*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- U. [PL 2009, c. 60, §1 (RP).]
- V. Razorbill, *Alca torda*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- W. Atlantic puffin, *Fratercula arctica*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- X. Harlequin duck, *Histrionicus histrionicus*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- Y. Arctic tern, *Sterna paradisaea*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- Z. Upland sandpiper, *Bartramia longicauda*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- AA. Swamp darter, *Etheostoma fusiforme*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- BB. Tidewater mucket, *Atlanticoncha ochracea*, threatened; [PL 2023, c. 60, §6 (AMD).]
- CC. Yellow lampmussel, *Lampsilis cariosa*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- DD. Tomah mayfly, *Siphonisca aerodromia*, threatened; [PL 2003, c. 573, §6 (NEW); PL 2003, c. 573, §8 (AFF); PL 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- EE. [PL 2007, c. 166, §1 (RP).]
- FF. Twilight moth, *Lycia rachelae*, threatened; [PL 2007, c. 166, §1 (AMD).]

- GG. Pine barrens zanclognatha, *Zanclognatha martha*, threatened; [PL 2007, c. 166, §1 (AMD).]
- HH. Redfin pickerel, *Esox americanus americanus*, endangered; [PL 2007, c. 166, §1 (NEW).]
- II. Juniper hairstreak, *Callophrys gryneus*, endangered; [PL 2007, c. 166, §1 (NEW).]
- JJ. [PL 2023, c. 60, §7 (RP).]
- KK. New England cottontail, *Sylvilagus transitionalis*, endangered; [PL 2007, c. 166, §1 (NEW).]
- LL. Black-crowned night heron, *Nycticorax nycticorax*, endangered; [PL 2015, c. 121, §3 (AMD).]
- MM. Common gallinule, *Gallinula galeata*, threatened; [PL 2017, c. 164, §23 (AMD).]
- NN. Great cormorant, *Phalacrocorax carbo* (breeding population only), threatened; [PL 2007, c. 166, §1 (NEW).]
- OO. Short-eared owl, *Asio flammeus* (breeding population only), threatened; [PL 2007, c. 166, §1 (NEW).]
- PP. Arctic fritillary, *Boloria chariclea grandis*, threatened; [PL 2023, c. 60, §8 (AMD).]
- QQ. Sleepy duskywing, *Erynnis brizo*, threatened; [PL 2007, c. 166, §1 (NEW).]
- RR. Boreal snaketail, *Ophiogomphus colubrinus*, threatened; [PL 2007, c. 166, §1 (NEW).]
- SS. Brook floater, *Alasmidonta varicosa*, threatened; [PL 2007, c. 166, §1 (NEW).]
- TT. Barrow's goldeneye, *Bucephala islandica*, threatened; [PL 2015, c. 121, §4 (AMD).]
- UU. Least bittern, *Ixobrychus exilis*, endangered; [PL 2015, c. 121, §4 (AMD).]
- VV. Cobblestone tiger beetle, *Cicindela marginipennis*, endangered; [PL 2015, c. 121, §5 (NEW).]
- WW. Frigga fritillary, *Boloria frigga saga*, endangered; [PL 2023, c. 60, §9 (AMD).]
- XX. Little brown bat, *Myotis lucifugus*, endangered; [PL 2015, c. 121, §5 (NEW).]
- YY. Northern long-eared bat, *Myotis septentrionalis*, endangered; [PL 2015, c. 121, §5 (NEW).]
- ZZ. Eastern small-footed bat, *Myotis leibii*, threatened; [PL 2023, c. 60, §10 (AMD).]
- AAA. Six-whorl vertigo, *Vertigo morsei*, endangered; [PL 2023, c. 60, §11 (AMD).]
- BBB. Ashton's cuckoo bumble bee, *Bombus ashtoni*, endangered; [PL 2023, c. 60, §12 (NEW).]
- CCC. Bank swallow, *Riparia riparia*, threatened; [PL 2023, c. 60, §13 (NEW).]
- DDD. Bicknell's thrush, *Catharus bicknelli*, threatened; [PL 2023, c. 60, §14 (NEW).]
- EEE. Blackpoll warbler, *Setophaga striata*, threatened; [PL 2023, c. 60, §15 (NEW).]
- FFF. Cliff swallow, *Petrochelidon pyrrhonota*, threatened; [PL 2023, c. 60, §16 (NEW).]
- GGG. Margined tiger beetle, *Ellipsoptera marginata*, threatened; [PL 2023, c. 60, §17 (NEW).]
- HHH. Saltmarsh sparrow, *Ammodramus caudacutus*, endangered; and [PL 2023, c. 60, §18 (NEW).]
- III. Tricolored bat, *Perimyotis subflavus*, threatened. [PL 2023, c. 60, §19 (NEW).]  
[PL 2023, c. 60, §§2-19 (AMD).]

**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 at least one public hearing on that proposed recommendation in accordance with the provisions of Title 5, chapter 375, subchapter 2. [PL 2021, c. 65, §5 (AMD).]

**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. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

#### SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 573, §6 (AMD). PL 2003, c. 573, §8 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§C3,6 (AFF). PL 2007, c. 166, §1 (AMD). PL 2009, c. 60, §1 (AMD). PL 2015, c. 121, §§1-5 (AMD). PL 2017, c. 164, §23 (AMD). PL 2021, c. 65, §5 (AMD). RR 2021, c. 2, Pt. B, §78 (COR). PL 2023, c. 60, §§1-19 (AMD).

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