

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Enhance Implementation of the Significant Wildlife Habitat Rules

Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Resolve 2005, chapter 183 authorized the final adoption of portions of Chapter 335: Significant Wildlife Habitat, a major substantive rule of the Department of Environmental Protection; and

Whereas, September 1, 2007 is the implementation date of the provisions of Chapter 335 that regulate significant vernal pool habitat; and

Whereas, this legislation will protect existing building lots from being negatively affected by the regulations; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §480-BB, sub-§4, as enacted by PL 2005, c. 116, §5, is amended to read:

4. Department of Environmental Protection may not assess fine in certain cases.

Provide that the Department of Environmental Protection may not assess a fine against a landowner who acted in accordance with a written field determination if the fine would be based solely on information in the written field determination; and

Sec. 2. 38 MRSA §480-BB, sub-§5, as enacted by PL 2005, c. 116, §5, is amended to read:

5. Process for voluntary identification. Include a process for a landowner to voluntarily identify the landowner's land as a significant vernal pool habitat and to provide the Department of Inland Fisheries and Wildlife the authority to map the significant vernal pool habitat; and

Sec. 3. 38 MRSA §480-BB, sub-§6 is enacted to read:

6. Exemption for existing building lots. Exempt from the rules regarding significant vernal pool habitat any existing building lot. For purposes of this subsection, "existing building lot" means a building lot whose boundaries were in existence on September 1, 2007 and were so described in a deed recorded on or before that date.

Sec. 4. 38 MRSA §480-BB, last ¶, as enacted by PL 2005, c. 116, §5, is amended to read:

Rules adopted pursuant to this section regarding significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

SUMMARY

This bill exempts building lots that were established prior to September 1, 2007 from the significant vernal pool habitat regulations adopted by the Department of Environmental Protection.

It also adds language clarifying that all department rules regarding significant vernal pool habitat, high and moderate waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas are major substantive rules.