

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 794 - L.D. 1246

**An Act to Include Endangered and Threatened Species Habitat in the
Definition of "Significant Wildlife Habitat" Under the Natural Resources
Protection Act**

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

Sec. 1. 38 MRSA §480-B, sub-§10, ¶A, as amended by PL 2009, c. 561, §37, is further amended to read:

A. The following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: ~~habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal list of endangered or threatened animal species;~~ high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and critical spawning and nursery areas for Atlantic salmon as defined by the Department of Marine Resources; and

Sec. 2. 38 MRSA §480-B, sub-§10, ¶B, as enacted by PL 2005, c. 116, §2, is amended to read:

B. Except for solely forest management activities, for which "significant wildlife habitat" is as defined and mapped in accordance with section 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the Department of Environmental Protection or are within any other protected natural resource:

- (1) Significant vernal pool habitat;
- (2) High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; ~~and~~
- (3) Shorebird nesting, feeding and staging areas; and
- (4) Habitat for state endangered and state threatened species listed under Title 12, section 12803, subsection 3 that is within another protected natural resource area

or that is located wholly or partly within the boundaries of a proposed project site that requires approval from:

(a) The department pursuant to this article or article 6, 7 or 8-A, except for activity or development on a residential lot that is not part of a proposed multi lot housing development; or

(b) The Maine Land Use Planning Commission pursuant to this article as provided in section 480-E-1 or, for subdivisions and nonresidential uses only, pursuant to Title 12, chapter 206-A.

Sec. 3. 38 MRSA §480-BB, first ¶, as enacted by PL 2005, c. 116, §5, is amended to read:

The Department of Inland Fisheries and Wildlife shall adopt rules that define "significant vernal pool habitat," "high and moderate value waterfowl and wading bird habitat," ~~and~~ "shorebird nesting, feeding and staging areas" and "habitat for state endangered and state threatened species listed under Title 12, section 12803, subsection 3" under section 480-B, subsection 10, paragraph B. The Department of Environmental Protection shall adopt rules regarding the criteria used to determine whether an area is significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat ~~or~~, shorebird nesting, feeding and staging areas or habitat for state endangered and state threatened species listed under Title 12, section 12803, subsection 3 under section 480-B, subsection 10, paragraph B. The rules, as applicable, must: