

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 Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation**

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

**Sec. 1. 38 MRSA §480-B, sub-§1-C** is enacted to read:

**1-C. Artificial significant vernal pool habitat.** "Artificial significant vernal pool habitat" means a significant vernal pool habitat that is created as a result of human activity.

**Sec. 2. 38 MRSA §480-B, sub-§1-D** is enacted to read:

**1-D. Artificial wetlands.** "Artificial wetlands" means wetlands that are created solely as a result of human activity.

**Sec. 3. 38 MRSA §480-B, sub-§4, ¶B**, as amended by PL 1995, c. 460, §1 and affected by §12, is further amended to read:

B. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and ~~which~~that under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; ~~and~~

**Sec. 4. 38 MRSA §480-B, sub-§4, ¶C**, as enacted by PL 1987, c. 809, §2, is amended to read:

C. Not considered part of a great pond, coastal wetland, river, stream or brook.; and

**Sec. 5. 38 MRSA §480-B, sub-§4, ¶D** is enacted to read:

D. Not artificial wetlands.

**Sec. 6. 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, except for artificial 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.

## **SUMMARY**

This bill exempts artificial wetlands and artificial significant vernal pool habitats from state regulation under the Natural Resources Protection Act.