



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1246

H.P. 794

House of Representatives, March 21, 2023

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

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator BRENNER of Cumberland and
Representatives: BELL of Yarmouth, CAMPBELL of Orrington, CLUCHEY of Bowdoinham,
DOUDERA of Camden, LANDRY of Farmington, O'NEIL of Saco, SOBOLESKI of Phillips,
Senator: BENNETT of Oxford.

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

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

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

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

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

- 20 (1) Significant vernal pool habitat;
- 21 (2) High and moderate value waterfowl and wading bird habitat, including nesting
22 and feeding areas; ~~and~~
- 23 (3) Shorebird nesting, feeding and staging areas; ~~and~~
- 24 (4) Habitat for state endangered and state threatened species listed under Title 12,
25 section 12803, subsection 3.

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

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

37 **SUMMARY**

38 This bill amends the Natural Resources Protection Act by adding to the definition of
39 "significant wildlife habitat" the habitat of species appearing on the official state
40 endangered species and state threatened species list. This bill also requires the Department

1 of Inland Fisheries and Wildlife to define "habitat for state endangered and state threatened
2 species" by major substantive rules.