



Testimony in Opposition of LD 138, An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections

To the Committee on Environment and Natural Resources

by Luke Frankel, Woods, Waters, & Wildlife Director

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Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee, my name is Luke Frankel, and I am the Woods, Waters, & Wildlife Director and Staff Scientist at the Natural Resources Council of Maine (NRCM). Since 1959, NRCM has worked to protect, restore, and conserve Maine's environment on behalf of our 30,000 members and supporters. I am here today to submit testimony in opposition to LD 138, An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections.

We oppose this bill for three reasons:

First, exempting airports from state endangered and threatened species protections would allow direct negative impacts to vulnerable species at a time when biodiversity at large is collapsing;

Second, other solutions exist to protect public safety at airports that adhere to state and federal endangered species acts; and

Third, the bill would set a dangerous precedent of allowing exemptions to a bedrock environmental law.

History of the Maine and U.S. Endangered Species Acts

Since 1975, the Maine Endangered Species Act (MESA) has served as a bedrock environmental law in the state protecting at-risk wildlife. MESA was modeled after the U.S. Endangered Species Act (ESA), which was passed by Congress two years prior in 1973 and is widely considered one of the most important pieces of environmental legislation in U.S. history along with the Clean Water and Clean Air Acts. It was specifically developed to protect species that are not covered under the federal ESA but are in danger of being rendered extinct within Maine and have "esthetic, ecological, educational, historical, recreational and scientific value to the people of the State."¹ There are currently 57 species listed as endangered or threatened under MESA,² covering the full spectrum of life including birds, insects, reptiles, mammals, and fish.

Direct Negative Impacts to the Most Vulnerable Species in the State

Leading scientists in the fields of biology and paleontology believe that Earth's sixth mass extinction event is occurring right before our eyes due to the current rate of species loss caused by humans via direct

¹ Me. Rev. Stat. tit. 12, § 12801 (2025).

² Me. Rev. Stat. tit. 12, § 12803 (2025).



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mortality, habitat loss, and the impacts of climate change.^{3,4} Although global in scale, these threats to biodiversity are present here in Maine as well and are only getting worse, not better. Under MESA, the Maine Department of Inland Fisheries and Wildlife (DIFW) has been successfully implementing conservation and management strategies that minimize habitat loss and the direct mortality of listed species for decades. By providing an exemption for “any area located on the property of an airport,” the flood gates would be open for activities that result in the direct mortality of endangered or threatened species and the destruction of their habitat. Although seemingly limited in scale, these exemptions would apply to all 232 airports located across Maine⁵ as well as other areas like heliports and temporary landing areas.⁶ For species that rely on open grassland for habitat in a state that is predominantly forested, such as the Grasshopper Sparrow and Sedge Wren (both State-listed endangered species), the impact of this bill could be devastating. At a time when protecting biodiversity is of utmost importance, why should we take this risk?

Other Solutions Available to Protect Public Safety at Airports

While protecting public safety at airports by limiting wildlife strikes is critical, there are solutions available to discourage nuisance wildlife congregation without disregarding MESA. The primary method employed by airports for wildlife hazard management is habitat modification. There are many activities that fit under this category, including managing food sources (both natural and unnatural), altering vegetation to change behavior, and installing wildlife deterrents like fencing. Other methods to manage wildlife at airports include dispersal activities using sound or visual deterrents, trapping and releasing, and lethal control. When one or more of these activities is prohibited due to the presence of endangered or threatened species, the other options can be employed. Staff from the Maine DIFW are available to help landowners manage listed species and their habitats, and should be utilized to develop site-specific, long-term wildlife hazard management strategies for airports rather than designating a blanket exemption to MESA.

Set a Dangerous Precedent of Allowing Exemptions

Since it was enacted in 1975, MESA has only been amended twice to allow exemptions for certain activities that were previously not allowed under the law. In 1999, MESA was amended to better align with the federal ESA by allowing the limited taking of a listed species under certain circumstances.⁷ This taking is only allowed if it is incidental to an otherwise lawful activity, does not impair the recovery of the listed species, and is accompanied by an incidental take plan approved by the Maine DIFW commissioner. The second exemption to MESA came through an amendment in 2015 that allows activities that are educational, scientific, or enhance the recovery or survival of a listed species.⁸ Key aspects of these exemptions are that they do little to no harm to the populations of listed species at large and have direct oversight from Maine DIFW staff. They are not blanket exemptions to specific landowners based on the nature of the activities on their property like LD 138 proposes. Creating an

³ Barnosky, A. D., Matzke, N., Tomiya, S., Wogan, G. O. U., Swartz, B., Quental, T. B., Marshall, C., McGuire, J. L., Lindsey, E. L., Maguire, K. C., Mersey, B., & Ferrer, E. A. (2011). Has the Earth's sixth mass extinction already arrived? *Nature*, 471, 51–57. <https://doi.org/10.1038/nature09678>

⁴ Ceballos, G., Ehrlich, P. R., Barnosky, A. D., García, A., Pringle, R. M., & Palmer, T. M. (2015). Accelerated modern human-induced species losses: Entering the sixth mass extinction. *Science Advances*, 1(5), e1400253. <https://doi.org/10.1126/sciadv.1400253>

⁵ https://www.globalair.com/airport/airports_in_maine.aspx

⁶ Me. Rev. Stat. tit. 6, § 101 (2025).

⁷ <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/history.html>

⁸ Me. Rev. Stat. tit. 12, § 12808-A (2025)



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~~exemption like this would undermine the spirit of MESA and open the door to similar exemptions down the road.~~

At a time when federal ESA protections are under threat and biodiversity is collapsing worldwide, having strong endangered and threatened species regulations at the state level is more important than ever. We should be strengthening these bedrock environmental laws, not weakening them. For these reasons, we strongly encourage the Committee to oppose this bill. Thank you for your time and consideration.