

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND
WILDLIFE**

IN SUPPORT OF L.D. 2240

**“Resolve, Regarding Legislative Review of Chapter 10: Significant Wildlife Habitat,
a Late-filed Major Substantive Rule of the Department of Inland Fisheries and
Wildlife”**

(EMERGENCY)

Reported by Representative ROBERTS of South Berwick

DATE OF HEARING: March 23, 2026

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Phillip deMaynadier, the Wildlife Diversity Program Manager at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in support of L.D. 2240.

This resolve provides for legislative review of Chapter 10: Significant Wildlife Habitat, a major substantive rule of the Department that has been amended to reflect recent statutory changes concerning significant wildlife habitat. Specifically, Public Law 2023, Chapter 156 expanded the definition of significant wildlife habitat to include habitat for state endangered and state threatened species and Public Law 2025, Chapter 338 revised the regulatory framework for certain high value vernal pools, another type of significant wildlife habitat. This rulemaking implements these statutory changes by amending Chapter 10 to align with current statutory requirements. In addition, the Department of Environmental Protection has undertaken related rulemaking to amend Chapter 335 (Natural Resource Protection Act (NRPA) Significant Wildlife Habitat rules) and Chapter 305 (NRPA Permit by Rule Standards) to ensure consistency with the revised statutory language and with rule.

Maine is home to over 16,000 species of inland (nonmarine) wildlife species, of which 57 (<0.5%) are currently listed as state Endangered or Threatened. Only those species that have undergone a rigorous assessment process are considered for Endangered or Threatened status by the MDIFW, requiring an analysis of quantitative survey data and standardized threat criteria broadly accepted by the scientific community. Additionally, Maine is one of the few states that requires legislative approval for the designation of any inland fish and wildlife as endangered or threatened.

By definition, most endangered and threatened species are rare, often occupying only small patches of specialized habitat such as pine barrens, saltmarshes, islands, and mountain tops, which in turn only cover a small proportion of land area in Maine – less than 1% based on recent estimates. Some of the state’s listed species are well known, such as the Peregrine Falcon and Atlantic Puffin, while others are more cryptic such as the Spotted Turtle. All of Maine’s endangered and threatened species are part of the state’s natural heritage and serve important roles in our natural ecosystems.

Maine’s endangered and threatened species face a variety of threats to their existence including pollution, disease, predation, illegal collection, and climate change. Among these, the most important threat affecting the greatest number of species is habitat loss and fragmentation, usually due to land use conversion from natural and working lands to residential and commercial development. With regards to this threat, passage of Public Law 2023, chapter 156 helped close a regulatory gap in the environmental review process by directing inter-agency consultation (DEP or LUPC with DIFW) during active NRPA permit reviews, thereby permitting DIFW to offer recommendations, when warranted, for avoiding and minimizing impacts to state-listed species.

Significant Vernal Pools, a wetland type that hosts specialized wildlife (including some that are state endangered and state threatened) are also threatened by habitat loss and fragmentation. Passage of Public Law 2025, Chapter 338 improved protections for Significant Vernal Pools primarily by defining a “Significant Vernal Pool Protection Zone” and by extending protections to portions of Significant Vernal Pool habitat that intersect property boundaries.

We have been in close communication with staff from the Department of Environmental Protection throughout their concurrent rulemaking process before the Bureau of Environmental Protection and the Environment and Natural Resources Committee where MDIFW testified in support of proposed changes to Chapter 305 and Chapter 335. Amending Chapter 10 as proposed brings MDIFW and DEP rules pertaining to Significant Wildlife Habitat into alignment, as required by statute.

Finally, it might be helpful to know that during a February 10, 2026, meeting of MDIFW’s Advisory Council the nine council members in attendance voted unanimously to adopt the proposed changes herein to Chapter 10.

Thank you, I would be glad to answer questions at this time or during the work session.