

# MAINE STATE LEGISLATURE

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(Filing No. S-210)

**ENVIRONMENT AND NATURAL RESOURCES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**132ND LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 74, L.D. 138, "An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections"

Amend the bill by striking out the title and substituting the following:

**'An Act Regarding the Permitting of Projects Affecting Public-use Airports Under the Natural Resources Protection Act and the Site Location of Development Laws'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 38 MRSA §480-E, sub-§19 is enacted to read:**

**19. Public-use airports.** Notwithstanding any provision of this article to the contrary, the department may not include in any permit issued pursuant to this article any conditions that, as determined by the department, would decrease safety within the air operations area at a public-use airport.

**As used in this subsection, the following terms have the following meanings.**

**A. "Air operations area" has the same meaning as in 14 Code of Federal Regulations, Section 153.3, except that, for a public-use airport that does not have an airport security program, "air operations area" means those portions of the public-use airport that, as determined by the department, are substantially similar to those portions of an airport described in 14 Code of Federal Regulations, Section 153.3, including aircraft movement areas, aircraft parking areas, loading ramps and safety areas for use by aircraft and any adjacent areas not separated by adequate security systems, measures or procedures.**

**B. "Airport security program" means a security program approved by the United States Transportation Services Administration under 49 Code of Federal Regulations, Section 1542.101.**

**C. "Public-use airport" has the same meaning as in 49 United States Code, Section 47102(22).**

Sec. 2. 38 MRSA §485-A, sub-§1-E is enacted to read:

1-E. Public-use airports. Notwithstanding any provision of this article to the contrary, the department may not include in any permit issued pursuant to this article any conditions that, as determined by the department, would decrease safety within the air operations area at a public-use airport.

As used in this subsection, the following terms have the following meanings.

A. "Air operations area" has the same meaning as in 14 Code of Federal Regulations, Section 153.3, except that, for a public-use airport that does not have an airport security program, "air operations area" means those portions of the public-use airport that, as determined by the department, are substantially similar to those portions of an airport described in 14 Code of Federal Regulations, Section 153.3, including aircraft movement areas, aircraft parking areas, loading ramps and safety areas for use by aircraft and any adjacent areas not separated by adequate security systems, measures or procedures.

B. "Airport security program" means a security program approved by the United States Transportation Services Administration under 49 Code of Federal Regulations, Section 1542.101.

C. "Public-use airport" has the same meaning as in 49 United States Code, Section 47102(22).'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment replaces the bill and changes the title. It amends the Natural Resources Protection Act and the site location of development laws to provide that the Department of Environmental Protection may not include in any permit issued pursuant to either article any conditions that, as determined by the department, would decrease safety within the air operations area at a public-use airport. "Public-use airport" is defined to have the same meaning as in 49 United States Code, Section 47102(22), "airport security program" means a security program approved by the United States Transportation Services Administration under 49 Code of Federal Regulations, Section 1542.101 and "air operations area" is defined to have the same meaning as in 14 Code of Federal Regulations, Section 153.3, except as otherwise specified for a public-use airport that does not have an airport security program.

## FISCAL NOTE REQUIRED

(See attached)



# 132nd MAINE LEGISLATURE

LD 138

LR 370(02)

## An Act to Exempt Airports from Certain State Endangered and Threatened Species Habitat Protections

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

"A"(S-210)

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### Fiscal Note

Minor cost increase - Other Special Revenue Funds

#### Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.