

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 138

S.P. 74

In Senate, January 8, 2025

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

Cosponsored by Senator: TIMBERLAKE of Androscoggin, Representatives: FREDERICKS of Sanford, MASTRACCIO of Sanford, ROBERTS of South Berwick.

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

2 **Sec. 1. 12 MRSA §12804, sub-§3-A** is enacted to read:

3 **3-A. Exception.** Notwithstanding any provision of this subchapter or rule adopted  
4 pursuant to this subchapter to the contrary, for species designated as endangered or  
5 threatened under this subchapter, the commissioner may not identify for special  
6 management considerations pursuant to subsection 2 any area located on the property of an  
7 airport or develop protection guidelines pursuant to subsection 3 for that area. As used in  
8 this subsection, "airport" means an airport described in Title 6, section 101.

9 **Sec. 2. 12 MRSA §12806, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
10 affected by c. 614, §9, is amended to read:

11 **1. Review.** A Except as otherwise provided in this subsection, a state agency or  
12 municipal government may not permit, license, fund or carry out projects that will:

13 A. Significantly alter the habitat identified under section 12804, subsection 2 of any  
14 species designated as threatened or endangered under this subchapter; or

15 B. Violate protection guidelines set forth in section 12804, subsection 3.

16 The restrictions in this subsection do not apply to a project located on the property of an  
17 airport. As used in this subsection, "airport" means an airport described in Title 6, section  
18 101. The commissioner shall make information under section 12804 available to all other  
19 state agencies and municipal governments for the purposes of review.

20 **Sec. 3. 38 MRSA §480-B, sub-§10, ¶B**, as amended by PL 2023, c. 156, §2, is  
21 further amended by amending subparagraph (4) to read:

22 (4) Habitat for state endangered and state threatened species listed under Title 12,  
23 section 12803, subsection 3 that is within another protected natural resource area  
24 or that is located wholly or partly within the boundaries of a proposed project site  
25 that requires approval from:

26 (a) The department pursuant to this article or article 6, 7 or 8-A, except for  
27 activity or development at an airport or activity or development on a residential  
28 lot that is not part of a proposed ~~multi-lot~~ multilot housing development; or

29 (b) The Maine Land Use Planning Commission pursuant to this article as  
30 provided in section 480-E-1 or, for subdivisions and nonresidential uses only,  
31 pursuant to Title 12, chapter 206-A.

32 As used in this subparagraph, "airport" means an airport described in Title 6,  
33 section 101.

34 **SUMMARY**

35 This bill exempts the property of an airport from protections for state endangered and  
36 threatened species that may require special management considerations or protection  
37 guidelines and from restrictions on state and municipal approval of projects that may  
38 significantly impact state endangered and threatened species habitats.