

MAINE STATE LEGISLATURE

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Date: 3/14/08

NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1390, L.D. 1952, Bill, "An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection"

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the determination of whether or not a vernal pool habitat is significant for the purposes of the Natural Resources Protection Act is necessary to ensure proper protection of the resource; and

Whereas, the timeframe for making a determination of whether a vernal pool habitat is not significant and therefore not protected under the Natural Resources Protection Act needs to be expanded prior to the commencement of the next field determination season; and

Whereas, in order to reduce confusion, clarification of the specific types of rare species that must be evaluated in determining whether a vernal pool habitat is significant is needed prior to the commencement of the next field determination season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill in section 1 in §480-FF in the first and 2nd lines (page 1, lines 4 and 5 in L.D.) by striking out the following: **"high and moderate value waterfowl and wading bird habitats"**

Amend the bill in section 1 in §480-FF in the 2nd line (page 1, line 7 in L.D.) by striking out the following: **"(2) or"**

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 1390, L.D. 1952

1 Amend the bill in section 3 in subsection 1 by striking out all of paragraphs B and C
2 (page 1, lines 39 and 40 and page 2, lines 1 to 6 in L.D.) and inserting the following:

3 'B. In addition to state threatened and endangered species, for purposes of
4 determining whether a vernal pool habitat is significant, the rare species that must be
5 considered are limited to: Ribbon Snakes, Wood Turtles, Swamp Darner Dragonflies
6 and Comet Darner Dragonflies.

7 C. In order to be identified as part of a significant vernal pool habitat, the vernal pool
8 may not have a permanent flowing inlet or outlet.'

9 Amend the bill by adding before the summary the following:

10 '**Emergency clause.** In view of the emergency cited in the preamble, this
11 legislation takes effect when approved.'

12 **SUMMARY**

13 This amendment further narrows the requirement for notification concerning
14 significant wildlife habitats to shorebird nesting, feeding and staging areas. It clarifies
15 that for purposes of identifying a significant vernal pool habitat, the consideration of rare
16 species is limited to the species identified in the bill. It clarifies that in order to be
17 identified as part of a significant vernal pool habitat, the vernal pool may not have a
18 permanently flowing inlet or outlet. It also adds an emergency preamble and an
19 emergency clause.

20 **FISCAL NOTE REQUIRED**
21 **(See attached)**



Approved: 03/05/08 *MAC*

123rd MAINE LEGISLATURE

LD 1952

LR 3075(02)

An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Departments of Environmental Protection and Inland Fisheries and Wildlife associated with rulemaking can be absorbed within existing budgeted resources.