

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2016

H.P. 1400

House of Representatives, December 21, 2007

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**An Act To Safeguard Imperiled or Critically Imperiled Natural  
Communities within Protected Natural Resources**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PERCY of Phippsburg.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: DUCHESNE of Hudson, KOFFMAN of Bar Harbor, SAVIELLO of Wilton,  
WATSON of Bath, Senators: DAMON of Hancock, ROSEN of Hancock.

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

2 **Sec. 1. 38 MRSA §480-D, sub-§3**, as amended by PL 2001, c. 618, §3, is further  
3 amended to read:

4 **3. Harm to habitats; fisheries.** The activity will not unreasonably harm any  
5 significant wildlife habitat, freshwater ~~wetland~~ plant habitat, threatened or endangered  
6 plant habitat, imperiled or critically imperiled natural communities, aquatic or adjacent  
7 upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic  
8 life.

9 In determining whether there is unreasonable harm to significant wildlife habitat, the  
10 department may consider proposed mitigation if that mitigation does not diminish in the  
11 vicinity of the proposed activity the overall value of significant wildlife habitat and  
12 species utilization of the habitat and if there is no specific biological or physical feature  
13 unique to the habitat that would be adversely affected by the proposed activity. For  
14 purposes of this subsection, "mitigation" means any action taken or not taken to avoid,  
15 minimize, rectify, reduce, eliminate or compensate for any actual or potential adverse  
16 impact on the significant wildlife habitat, including the following:

- 17 A. Avoiding an impact altogether by not taking a certain action or parts of an  
18 action;
- 19 B. Minimizing an impact by limiting the magnitude, duration or location of an  
20 activity or by controlling the timing of an activity;
- 21 C. Rectifying an impact by repairing, rehabilitating or restoring the affected  
22 environment;
- 23 D. Reducing or eliminating an impact over time through preservation and  
24 maintenance operations during the life of the project; or
- 25 E. Compensating for an impact by replacing the affected significant wildlife  
26 habitat.

27 **SUMMARY**

28 This bill provides protection under the Natural Resource Protection Act for imperiled  
29 or critically imperiled natural communities, as identified by the Department of  
30 Conservation, that are located within protected natural resources.