

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1031

H.P. 765

House of Representatives, March 10, 2011

An Act To Amend the Laws Governing Significant Wildlife Habitat

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative AYOTTE of Caswell.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: EDGECOMB of Caribou, HAYES of Buckfield, LONG of Sherman,
McCABE of Skowhegan, Senator: SAVIELLO of Franklin.

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

2 **Sec. 1. 38 MRSA §480-B, sub-§10, ¶B**, as enacted by PL 2005, c. 116, §2, is
3 amended to read:

4 B. ~~Except for solely forest management activities, for which "significant wildlife~~
5 ~~habitat" is as defined and mapped in accordance with section 480-I by the~~
6 ~~Department of Inland Fisheries and Wildlife, the~~ The following areas that are defined
7 by the Department of Inland Fisheries and Wildlife and are in conformance with
8 criteria adopted by the Department of Environmental Protection or are within any
9 other protected natural resource:

- 10 (1) Significant vernal pool habitat;
- 11 (2) High and moderate value waterfowl and wading bird habitat, including
12 nesting and feeding areas; and
- 13 (3) Shorebird nesting, feeding and staging areas.

14 **Sec. 2. 38 MRSA §480-I, sub-§1, ¶A**, as enacted by PL 2007, c. 290, §3, is
15 amended to read:

16 A. The maps are of one or more of the types of areas listed in section 480-B,
17 subsection 10, paragraph A; ~~or~~

18 **Sec. 3. 38 MRSA §480-I, sub-§1, ¶B**, as enacted by PL 2007, c. 290, §3, is
19 repealed.

20 **Sec. 4. 38 MRSA §480-Q, sub-§7-A, ¶B**, as amended by PL 2001, c. 618, §4, is
21 further amended to read:

22 B. The activity meets permit-by-rule standards in rules adopted pursuant to this
23 article for any road crossing of a river, stream or brook or for any soil disturbance
24 adjacent to a protected natural resource pursuant to section 480-C, subsection 1,
25 paragraphs A and B and the commissioner is notified before the forest management
26 activity commences; and

27 **Sec. 5. 38 MRSA §480-Q, sub-§7-A, ¶C**, as amended by PL 2001, c. 618, §4, is
28 repealed.

29 **SUMMARY**

30 Under current law, forest management activities in significant wildlife habitat are
31 exempt from permitting requirements under the Natural Resources Protection Act unless
32 the habitat is mapped through rulemaking by the Department of Inland Fisheries and
33 Wildlife. This bill removes the mapped habitat provision in the exemption for forest
34 management activities.