

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

---

Legislative Document

No. 1246

---

H.P. 794

House of Representatives, March 21, 2023

**An Act to Include Endangered and Threatened Species Habitat in  
the Definition of "Significant Wildlife Habitat" Under the Natural  
Resources Protection Act**

---

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.  
Cosponsored by Senator BRENNER of Cumberland and  
Representatives: BELL of Yarmouth, CAMPBELL of Orrington, CLUCHEY of Bowdoinham,  
DOUDERA of Camden, LANDRY of Farmington, O'NEIL of Saco, SOBOLESKI of Phillips,  
Senator: BENNETT of Oxford.

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

2 **Sec. 1. 38 MRSA §480-B, sub-§10, ¶A**, as amended by PL 2009, c. 561, §37, is  
3 further amended to read:

4 A. The following areas to the extent that they have been mapped by the Department  
5 of Inland Fisheries and Wildlife or are within any other protected natural resource:  
6 ~~habitat, as defined by the Department of Inland Fisheries and Wildlife, for species~~  
7 ~~appearing on the official state or federal list of endangered or threatened animal~~  
8 ~~species;~~ high and moderate value deer wintering areas and travel corridors as defined  
9 by the Department of Inland Fisheries and Wildlife; seabird nesting islands as defined  
10 by the Department of Inland Fisheries and Wildlife; and critical spawning and nursery  
11 areas for Atlantic salmon as defined by the Department of Marine Resources; and

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

14 B. Except for solely forest management activities, for which "significant wildlife  
15 habitat" is as defined and mapped in accordance with section 480-I by the Department  
16 of Inland Fisheries and Wildlife, the following areas that are defined by the Department  
17 of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the  
18 Department of Environmental Protection or are within any other protected natural  
19 resource:

- 20 (1) Significant vernal pool habitat;
- 21 (2) High and moderate value waterfowl and wading bird habitat, including nesting  
22 and feeding areas; ~~and~~
- 23 (3) Shorebird nesting, feeding and staging areas; ~~and~~
- 24 (4) Habitat for state endangered and state threatened species listed under Title 12,  
25 section 12803, subsection 3.

26 **Sec. 3. 38 MRSA §480-BB, first ¶**, as enacted by PL 2005, c. 116, §5, is amended  
27 to read:

28 The Department of Inland Fisheries and Wildlife shall adopt rules that define  
29 "significant vernal pool habitat," "high and moderate value waterfowl and wading bird  
30 habitat," ~~and~~ "shorebird nesting, feeding and staging areas" and "habitat for state  
31 endangered and state threatened species listed under Title 12, section 12803, subsection 3"  
32 under section 480-B, subsection 10, paragraph B. The Department of Environmental  
33 Protection shall adopt rules regarding the criteria used to determine whether an area is  
34 significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat  
35 or shorebird nesting, feeding and staging areas under section 480-B, subsection 10,  
36 paragraph B. The rules, as applicable, must:

37 **SUMMARY**

38 This bill amends the Natural Resources Protection Act by adding to the definition of  
39 "significant wildlife habitat" the habitat of species appearing on the official state  
40 endangered species and state threatened species list. This bill also requires the Department

1 of Inland Fisheries and Wildlife to define "habitat for state endangered and state threatened  
2 species" by major substantive rules.