

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2063

S.P. 851

In Senate, December 17, 2025

An Act to Clarify Activities Allowed Under the Natural Resources Protection Act

Submitted by the Department of Environmental Protection pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 15, 2025. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TEPLER of Sagadahoc.

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

2 **Sec. 1. 38 MRSA §480-Q, sub-§33**, as enacted by PL 2023, c. 531, §6, is amended
3 to read:

4 **33. Emergency flood alleviation.** An emergency activity conducted or overseen by
5 the State or a local government in, on, over or adjacent to a river, stream or brook when the
6 emergency activity is necessary to alleviate an immediate threat to public health or safety
7 caused by a flood event occurring at the time the emergency activity is conducted, as long
8 as any alteration to the river, stream or brook necessary to conduct the emergency activity
9 is restored following the flood event to the conditions that existed prior to the flood event
10 to the greatest extent practicable, as determined by the department.

11 The department may adopt routine technical rules as defined in Title 5, chapter 375,
12 subchapter 2-A to govern the restoration of a river, stream or brook under this subsection
13 and define "greatest extent practicable."

14 A local government conducting or overseeing an emergency activity pursuant to this
15 subsection shall notify the department prior to its conducting or overseeing the emergency
16 activity and shall maintain communication with the department for the duration of the
17 emergency activity as directed by the department; ~~and~~

18 **Sec. 2. 38 MRSA §480-Q, sub-§34**, as enacted by PL 2023, c. 531, §7, is amended
19 by amending the last blocked paragraph to read:

20 For the purposes of this subsection, "pier, wharf or dock" does not include a seawall, jetty,
21 breakwater or similar structure designed to dissipate wave action;;

22 **Sec. 3. 38 MRSA §480-Q, sub-§35** is enacted to read:

23 **35. Hand planting of native vegetation.** Hand planting of native vegetation adjacent
24 to a coastal wetland, freshwater wetland, great pond or river, stream or brook, as long as:

25 A. Only native plants are planted;

26 B. Machinery is not used;

27 C. Only potted plants, bare root plants or live stakes are planted;

28 D. Removal of existing vegetation does not occur, except for removal of ground cover
29 incidental to the planting and the removal by hand of invasive species;

30 E. No more than one cubic yard of soil is overturned annually;

31 F. The addition of soil or soil amendments does not result in a change to the original
32 ground topography;

33 G. Individual planting holes do not exceed 2 feet in diameter;

34 H. All areas that have been hand-planted are mulched immediately after planting; and

35 I. The hand planting activity conforms with the requirements of the relevant municipal
36 shoreland zoning ordinance adopted pursuant to article 2-B;

37 **Sec. 4. 38 MRSA §480-Q, sub-§36** is enacted to read:

38 **36. Hand planting of native dune vegetation.** Hand planting of native dune
39 vegetation in a coastal sand dune system, as long as:

1 A. The area planted does not exceed 2,000 square feet;

2 B. Existing dune vegetation is not disturbed; and

3 C. The planting occurs between October 1st and March 15th, unless written approval
4 from the Department of Inland Fisheries and Wildlife has been obtained and provided
5 to the department; and

6 **Sec. 5. 38 MRSA §480-Q, sub-§37** is enacted to read:

7 **37. Corrective actions.** Corrective actions to resolve a violation under this article, as
8 long as written approval for the corrective action has been provided by the department.

9 **Sec. 6. 38 MRSA §480-X, sub-§6, ¶A,** as enacted by PL 1995, c. 460, §7 and
10 affected by §12, is amended to read:

11 A. The application must be ~~sent by certified mail or hand-delivered~~ submitted to the
12 department. ~~The application must include~~ and include the following:

13 (1) The application fee;

14 (2) The project location on a United States Geological Survey map;

15 (3) A description of the project, including a drawing showing the area of
16 freshwater wetland to be filled or otherwise altered and areas of any marsh or open
17 water within the freshwater wetland; and

18 (4) A signed statement averring that all of the requirements of subsection 3 will
19 be met, that the activity will not occur in a wetland area described in subsection 4
20 and that a copy of the application has been submitted by the applicant for public
21 display to the municipal office of the municipality in which the project will be
22 located.

23 **Sec. 7. 38 MRSA §480-Z, sub-§7, ¶E,** as amended by PL 2019, c. 581, §3, is
24 further amended to read:

25 E. Shorebird nesting, feeding and staging areas; ~~and~~

26 **Sec. 8. 38 MRSA §480-Z, sub-§7, ¶F,** as enacted by PL 2019, c. 581, §4, is
27 amended to read:

28 F. Rivers, streams and brooks;

29 **Sec. 9. 38 MRSA §480-Z, sub-§7, ¶G** is enacted to read:

30 G. Great ponds; and

31 **Sec. 10. 38 MRSA §480-Z, sub-§7, ¶H** is enacted to read:

32 H. Habitat for state endangered and state threatened species that is significant wildlife
33 habitat as defined in section 480-B, subsection 10, paragraph B, subparagraph (4).

34 **Sec. 11. 38 MRSA §480-Z, sub-§8** is enacted to read:

35 **8. Deed restrictions and conservation easements.** The department has 3rd-party
36 enforcement rights to enforce any deed restriction or conservation easement executed to
37 meet a compensation requirement under this section.

SUMMARY

This bill amends several provisions in the Natural Resources Protection Act.

1. It adds the hand planting of native vegetation, the hand planting of native dune vegetation and certain corrective actions to the list of activities for which a permit is not required.

2. It clarifies the provisions regarding the circumstances under which a permit is not required when an emergency activity is conducted to alleviate a threat caused by a flood event.

3. It adds great ponds and habitat for state endangered and state threatened species that is significant wildlife habitat to the list of areas under the department's compensation program and provides the department with 3rd-party enforcement rights to enforce deed restrictions or conservation easements executed to meet a requirement under its compensation program.