

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)



132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2118

H.P. 1433

House of Representatives, January 7, 2026

**An Act to Eliminate the Natural Areas Program and Reassign
Certain Responsibilities Under the Program to the Department of
Inland Fisheries and Wildlife and to Amend the Law Governing
Administration of the Department of Inland Fisheries and Wildlife,
Bureau of Resource Management**

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 203.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and
ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative DILL of Old Town.

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

2 **Sec. 1. 12 MRSA §541-A**, as amended by PL 2021, c. 398, Pt. YYY, §1, is further
3 amended to read:

4 **§541-A. Division of Geology, Natural Areas and Coastal Resources**

5 The Division of Geology, Natural Areas and Coastal Resources is established within
6 the Department of Agriculture, Conservation and Forestry and is administered by the
7 commissioner. The division consists of the Maine Geological Survey, referred to in this
8 chapter as "the "survey," and the Natural Areas Program."

9 **Sec. 2. 12 MRSA §544**, as amended by PL 2011, c. 655, Pt. II, §3 and affected by
10 §11 and amended by c. 657, Pt. W, §§5 and 6, is repealed.

11 **Sec. 3. 12 MRSA §544-B**, as amended by PL 2007, c. 395, §§10 and 11, is repealed.

12 **Sec. 4. 12 MRSA §544-C**, as enacted by PL 1999, c. 556, §13, is repealed.

13 **Sec. 5. 12 MRSA §10001, sub-§19**, as enacted by PL 2003, c. 414, Pt. A, §2 and
14 affected by c. 614, §9, is amended to read:

15 **19. Endangered fish or wildlife species.** "Endangered fish or wildlife species" means
16 a species of fish or wildlife that has been determined by the commissioner to be in danger
17 of extinction throughout all or a significant portion of its range and that is listed as a state
18 endangered species under section 12803, subsection 3.

19 **Sec. 6. 12 MRSA §10001, sub-§35-A** is enacted to read:

20 **35-A. Invasive species.** "Invasive species" means a nonnative fish, wildlife or plant
21 species that causes economic or environmental harm by developing self-sustaining
22 populations that become dominant or disruptive to native species or natural habitats.

23 **Sec. 7. 12 MRSA §10001, sub-§42-D** is enacted to read:

24 **42-D. Natural area.** "Natural area" means an area of land or water, or both land and
25 water, whether publicly or privately owned, that retains or has reestablished its natural
26 character, though it need not be completely natural and undisturbed, and that supports,
27 harbors or otherwise contains endangered, threatened or rare plants, animals and
28 ecosystems or associated habitats of scientific and ecological value.

29 **Sec. 8. 12 MRSA §10001, sub-§52-A** is enacted to read:

30 **52-A. Rare plant.** "Rare plant" means a species of native plant listed as endangered,
31 threatened or considered vulnerable in the State due to factors such as endemism, scarcity,
32 special habitat, range limits or population decline.

33 **Sec. 9. 12 MRSA §10001, sub-§58-A**, as enacted by PL 2021, c. 65, §1, is
34 amended to read:

35 **58-A. Species of special concern.** "Species of special concern" means a species of
36 fish or wildlife that is not an endangered fish or wildlife species or a threatened fish or
37 wildlife species but meets criteria for being of special concern as established by the
38 commissioner by rule under section 10105, subsection 19.

39 **Sec. 10. 12 MRSA §10001, sub-§62**, as enacted by PL 2003, c. 414, Pt. A, §2 and
40 affected by c. 614, §9, is amended to read:

1 **62. Threatened fish or wildlife species.** "Threatened fish or wildlife species" means
2 a species of fish or wildlife that has been determined by the commissioner as likely to
3 become an endangered fish or wildlife species within the foreseeable future throughout all
4 or a significant portion of its range and that is listed as a state threatened species under
5 section 12803, subsection 3.

6 **Sec. 11. 12 MRSA §10053**, as amended by PL 2017, c. 205, §§2 to 4, is further
7 amended to read:

8 **§10053. Bureau of Resource Management**

9 The Bureau of Resource Management is established within the Department of Inland
10 Fisheries and Wildlife. The bureau is equal in organizational level and status with other
11 major organizational units within the department or its successors. The bureau is
12 administered by a director of wildlife and a director of fisheries and hatcheries who ~~is~~ are
13 immediately responsible to the deputy commissioner. The ~~director possesses~~ directors
14 possess full authority and responsibility for administering all the powers and duties of the
15 bureau within their respective divisions, subject to the direction of the commissioner and
16 except as otherwise provided by statute. The responsibilities of the bureau include, but are
17 not limited to:

18 **1. Wildlife conservation and management.** The conservation and management of
19 the wildlife resources in the State for their preservation, protection, enhancement and use;

20 **2. Fisheries conservation and management.** The conservation and management of
21 the inland fisheries resources in the public waters of the State for their preservation,
22 protection, enhancement and use;

23 **3. Propagation of fish.** The propagation of fish for the effective conservation and
24 management of inland fisheries resources in public waters of the State;

25 **4. Habitat conservation and management.** The conservation and management of
26 habitat for the protection, preservation, enhancement and use of inland fisheries and
27 wildlife resources, plants and natural areas;

28 **5. Wildlife sanctuaries; wildlife management areas.** The management of wildlife
29 sanctuaries and wildlife management areas for the State as designated in chapter 925;

30 **6. Data collection.** The collection of data for the effective conservation and
31 management of inland fisheries and wildlife resources, plants and natural areas;

32 **7. Research and monitoring.** Research and monitoring activities for the effective
33 conservation and management of inland fisheries and wildlife resources, plants and natural
34 areas;

35 **8. Animal damage control.** The coordination of animal damage control functions
36 throughout the State, including supplemental assistance for the control of coyotes and other
37 nuisance wildlife that exceeds normal funding and staffing levels within the department;

38 **9. Rules.** The development of rules governing the effective conservation and
39 management of the inland fisheries and wildlife resources of the State;

40 **10. Land acquisition.** The acquisition and development of land for the protection,
41 preservation and enhancement of inland fisheries and wildlife resources, plants and natural
42 areas; and

1 **11. Resource planning.** The coordination with other resource management staff to
2 develop both short-term and long-term plans for the preservation, protection, enhancement
3 and use of inland fisheries and wildlife resources, plants and natural areas. The bureau shall
4 undertake activities as directed by the commissioner; and

5 **12. Invasive species management.** The management of invasive species for the
6 protection of inland fisheries and wildlife resources, plants and natural areas.

7 **Sec. 12. 12 MRSA §10105, sub-§19,** as enacted by PL 2021, c. 65, §2, is amended
8 to read:

9 **19. Species Fish or wildlife species of special concern.** The commissioner by rule
10 shall establish criteria for determining when a species of fish or wildlife that is not an
11 endangered fish or wildlife species or a threatened fish or wildlife species is of special
12 concern. The rules may include different criteria for categories of species of special
13 concern, including a category for species that are rare. The rules must list the species that
14 meet the criteria established in rule. The commissioner shall use the list in administering
15 section 12152 and may also use the list in administering any other laws or programs or
16 when providing advisory recommendations to other entities or agencies on fish and wildlife
17 matters in accordance with applicable laws or rules.

18 Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter
19 375, subchapter 2-A.

20 **Sec. 13. 12 MRSA §10108, sub-§11, ¶B,** as enacted by PL 2003, c. 655, Pt. B,
21 §30 and affected by §422, is amended by amending subparagraph (1) to read:

22 (1) An agent may use snares only for animal damage control purposes to help meet
23 management goals established by the commissioner for deer, threatened fish or
24 wildlife species or endangered fish or wildlife species or other wildlife species or
25 to benefit agricultural interests as described in paragraph C.

26 **Sec. 14. 12 MRSA §10108, sub-§11, ¶B,** as enacted by PL 2003, c. 655, Pt. B,
27 §30 and affected by §422, is amended by amending the 2nd blocked paragraph to read:

28 The commissioner shall adopt policies and procedures on the use of snares as necessary
29 to minimize the potential for taking nontarget species and to adequately protect
30 threatened fish or wildlife species and endangered fish or wildlife species.

31 **Sec. 15. 12 MRSA §10269** is enacted to read:

32 **§10269. Natural Areas Conservation Fund**

33 **1. Fund established.** The Natural Areas Conservation Fund, referred to in this section
34 as "the fund," is established as a nonlapsing separate account to be administered by the
35 commissioner to fund investigation, conservation and management of native plants and
36 natural areas as described in this chapter and for administrative and personnel costs for the
37 purposes of this section.

38 **2. Funding.** Income from gifts, bequests, devises, grants, fees and other sources may
39 be deposited in the fund.

40 **3. Use of fund.** The commissioner may make grants from the fund to any person,
41 organization, state agency or other entity to undertake inventory of and research about
42 native plants and natural areas.

1 Funds in the fund, including earnings, may not be deposited in the General Fund or any
2 other fund except as provided by law.

3 **Sec. 16. 12 MRSA §10301, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and
4 affected by c. 614, §9 and amended by PL 2011, c. 657, Pt. W, §6, is repealed.

5 **Sec. 17. 12 MRSA §10307, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and
6 affected by c. 614, §9, is amended to read:

7 **3. Endangered fish or wildlife species and threatened fish or wildlife species.**
8 Fifteen percent of the money in the fund for endangered fish or wildlife species and
9 threatened fish or wildlife species conservation projects; and

10 **Sec. 18. 12 MRSA §10308, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and
11 affected by c. 614, §9 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to
12 read:

13 **1. Members.** The board consists of 7 members. The commissioner, the Commissioner
14 of Agriculture, Conservation and Forestry and the ~~Coordinator of the Natural Areas~~
15 ~~Program~~ Commissioner of Marine Resources are permanent members and their designees
16 may represent them at board meetings. The Governor shall appoint the remaining 4 citizen
17 members subject to the review of the joint standing committee of the Legislature having
18 jurisdiction over natural resources matters and confirmation by the Senate. One of these
19 members must be a representative of a state ~~sportsmen's organization of persons who hunt,~~
20 fish or trap, one must be a representative of a state wildlife conservation organization and
21 one must work in a field related to natural resources.

22 **Sec. 19. 12 MRSA §10309, sub-§2, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2
23 and affected by c. 614, §9, is amended to read:

24 C. Habitat of a threatened fish or wildlife species or endangered fish or wildlife species
25 listed under state or federal law;

26 **Sec. 20. 12 MRSA §10309, sub-§2, ¶D**, as enacted by PL 2003, c. 414, Pt. A, §2
27 and affected by c. 614, §9, is amended to read:

28 D. Rare or exemplary natural communities or ecosystems as determined by the ~~State's~~
29 ~~Natural Areas Program database~~ department;

30 **Sec. 21. 12 MRSA §10309, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and
31 affected by c. 614, §9, is amended to read:

32 **3. Conservation of endangered fish or wildlife species and threatened fish or**
33 **wildlife species and their habitats.** For the category of conservation of endangered fish
34 or wildlife species and threatened fish or wildlife species and their habitats:

35 A. A species or species group listed as endangered or threatened under state or federal
36 law;

37 B. The habitat of one or more species or groups under paragraph A;

38 C. A species or species group not listed as threatened or endangered but, based on the
39 best available scientific information, potentially warranting listing in the near future;

1 D. A species, group of species, natural community or ecosystem that has been
2 documented as being in decline or recognized as being at risk of extirpation from the
3 State;

4 E. Any species, group of species, natural community or ecosystem thought in the best
5 professional judgment of biologists to be in decline or in danger of extirpation from the
6 State but whose status is undetermined; and

7 F. Available matching funds; and

8 **Sec. 22. 12 MRSA c. 925, headnote** is amended to read:

9 **CHAPTER 925**

10 **FISH AND WILDLIFE AND NATURAL AREAS MANAGEMENT AND**
11 **RESEARCH**

12 **Sec. 23. 12 MRSA c. 925, sub-c. 3, headnote** is amended to read:

13 **SUBCHAPTER 3**

14 **ENDANGERED FISH AND WILDLIFE SPECIES; MANAGEMENT AND**
15 **RESEARCH**

16 **Sec. 24. 12 MRSA §12803**, as amended by PL 2023, c. 60, §§1 to 19, is further
17 amended to read:

18 **§12803. Designation of endangered fish or wildlife species**

19 **1. Standards.** The commissioner shall recommend a species of fish or wildlife to be
20 listed as endangered or threatened whenever the commissioner finds one of the following
21 to exist:

22 A. The present or threatened destruction, modification or curtailment of its habitat or
23 range;

24 B. Overutilization for commercial, sporting, scientific, educational or other purposes;

25 C. Disease or predation;

26 D. Inadequacy of existing regulatory mechanisms; or

27 E. Other natural or human-made factors affecting its continued existence within the
28 State.

29 **2. Commissioner's duties.** In recommending a species of fish or wildlife to be listed
30 as endangered or threatened, the commissioner shall:

31 A. Make use of the best scientific, commercial and other data available;

32 B. Consult, as appropriate, with federal agencies, other interested state agencies, other
33 states having a common interest in the species of fish or wildlife and interested persons
34 and organizations;

1 C. Maintain a list of all species of fish or wildlife that the Legislature has designated
2 to be endangered or threatened, naming each species by both its scientific and common
3 name, if any, and specifying over what portion of its range each species so designated
4 is endangered or threatened; and

5 D. Report to the joint standing committee of the Legislature having jurisdiction over
6 inland fisheries and wildlife matters no less frequently than every 4 years on any
7 recommendations, status updates or changes to the list of fish or wildlife species
8 designated as endangered or threatened.

9 **3. Legislative authority.** The Legislature, as sole authority, shall designate a species
10 of fish or wildlife as a state endangered or state threatened species. The list of state
11 endangered or state threatened species of fish or wildlife by common name, scientific name
12 and status is as follows:

- 13 A. Least tern, *Sterna antillarum*, endangered;
- 14 B. Golden eagle, *Aquila chrysaetos*, endangered;
- 15 C. Piping plover, *Charadrius melodus*, endangered;
- 16 D. Sedge wren, *Cistothorus stellaris*, endangered;
- 17 E. Grasshopper sparrow, *Ammodramus savannarum*, endangered;
- 18 G. Black racer, *Coluber constrictor*, endangered;
- 19 H. Roseate tern, *Sterna dougallii*, endangered;
- 20 I. Northern bog lemming, *Synaptomys borealis*, threatened;
- 21 J. Blanding's turtle, *Emydoidea blandingii*, endangered;
- 22 K. Black tern, *Chlidonias niger*, endangered;
- 23 L. American pipit, *Anthus rubescens* (breeding population only), endangered;
- 24 M. Peregrine falcon, *Falco peregrinus* (breeding population only), endangered;
- 25 N. Roaring Brook mayfly, *Epeorus frisoni*, threatened;
- 26 O. Ringed boghaunter, *Williamsonia lintneri*, threatened;
- 27 P. Clayton's copper, *Tharsalea dorcas claytoni*, threatened;
- 28 Q. Edwards' hairstreak, *Satyrium edwardsii*, endangered;
- 29 R. Hessel's hairstreak, *Callophrys hesseli*, endangered;
- 30 S. Katahdin arctic, *Oeneis polixenes katahdin*, endangered;
- 31 T. Spotted turtle, *Clemmys guttata*, threatened;
- 32 V. Razorbill, *Alca torda*, threatened;
- 33 W. Atlantic puffin, *Fratercula arctica*, threatened;
- 34 X. Harlequin duck, *Histrionicus histrionicus*, threatened;
- 35 Y. Arctic tern, *Sterna paradisaea*, threatened;
- 36 Z. Upland sandpiper, *Bartramia longicauda*, threatened;
- 37 AA. Swamp darter, *Etheostoma fusiforme*, threatened;

1 BB. Tidewater mucket, *Atlanticoncha ochracea*, threatened;
 2 CC. Yellow lampmussel, *Lampsilis cariosa*, threatened;
 3 DD. Tomah mayfly, *Siphonisca aerodromia*, threatened;
 4 FF. Twilight moth, *Lycia rachelae*, threatened;
 5 GG. Pine barrens zanclognatha, *Zanclognatha martha*, threatened;
 6 HH. Redfin pickerel, *Esox americanus americanus*, endangered;
 7 II. Juniper hairstreak, *Callophrys gryneus*, endangered;
 8 KK. New England cottontail, *Sylvilagus transitionalis*, endangered;
 9 LL. Black-crowned night heron, *Nycticorax nycticorax*, endangered;
 10 MM. Common gallinule, *Gallinula galeata*, threatened;
 11 NN. Great cormorant, *Phalacrocorax carbo* (breeding population only), threatened;
 12 OO. Short-eared owl, *Asio flammeus* (breeding population only), threatened;
 13 PP. Arctic fritillary, *Boloria chariclea grandis*, threatened;
 14 QQ. Sleepy duskywing, *Erynnis brizo*, threatened;
 15 RR. Boreal snaketail, *Ophiogomphus colubrinus*, threatened;
 16 SS. Brook floater, *Alasmidonta varicosa*, threatened;
 17 TT. Barrow's goldeneye, *Bucephala islandica*, threatened;
 18 UU. Least bittern, *Ixobrychus exilis*, endangered;
 19 VV. Cobblestone tiger beetle, *Cicindela marginipennis*, endangered;
 20 WW. Frigga fritillary, *Boloria frigga saga*, endangered;
 21 XX. Little brown bat, *Myotis lucifugus*, endangered;
 22 YY. Northern long-eared bat, *Myotis septentrionalis*, endangered;
 23 ZZ. Eastern small-footed bat, *Myotis leibii*, threatened;
 24 AAA. Six-whorl vertigo, *Vertigo morsei*, endangered;
 25 BBB. Ashton's cuckoo bumble bee, *Bombus ashtoni*, endangered;
 26 CCC. Bank swallow, *Riparia riparia*, threatened;
 27 DDD. Bicknell's thrush, *Catharus bicknelli*, threatened;
 28 EEE. Blackpoll warbler, *Setophaga striata*, threatened;
 29 FFF. Cliff swallow, *Petrochelidon pyrrhonota*, threatened;
 30 GGG. Margined tiger beetle, *Ellipsoptera marginata*, threatened;
 31 HHH. Saltmarsh sparrow, *Ammodramus caudacutus*, endangered; and
 32 III. Tricolored bat, *Perimyotis subflavus*, threatened.

33 **4. Process for recommendation; notice and hearings.** Prior to recommending an
 34 addition, deletion or other change to the endangered and threatened species listed in
 35 subsection 3, the commissioner shall provide for public notice and at least one public

1 hearing on that proposed recommendation in accordance with the provisions of Title 5,
2 chapter 375, subchapter 2.

3 **5. Designation by Legislature.** The Legislature may not amend the list of endangered
4 or threatened species in subsection 3 except upon the recommendation of the
5 commissioner.

6 **Sec. 25. 12 MRSA §12804**, as amended by PL 2025, c. 333, §14, is further amended
7 to read:

8 **§12804. Conservation of threatened fish or wildlife species and endangered fish or**
9 **wildlife species**

10 **1. Conservation of threatened fish or wildlife species and endangered fish or**
11 **wildlife species.** The commissioner may establish such programs as are necessary to bring
12 any endangered fish or wildlife species or threatened fish or wildlife species to the point
13 where it is no longer endangered or threatened, including:

14 A. Acquisition of land or aquatic habitat or interests in land or aquatic habitat;

15 B. Propagation;

16 C. Live trapping;

17 D. Transplantation. Prior to the transplantation, introduction or reintroduction of an
18 endangered fish or wildlife species or threatened fish or wildlife species in the State,
19 the commissioner shall, in conjunction with the Department of Marine Resources,
20 when appropriate, develop a recovery plan for that species, conduct a public hearing
21 on that recovery plan pursuant to Title 5, Part 18 and submit that plan to the joint
22 standing committee of the Legislature having jurisdiction over inland fisheries and
23 wildlife matters. The introduction or reintroduction of that species must be conducted
24 in accordance with the recovery plan developed under this paragraph and may not begin
25 sooner than 90 days after all conditions of this paragraph have been met; and

26 E. In the extraordinary case where population pressures for a given species cannot be
27 otherwise relieved, regulated taking.

28 **2. Habitat.** For species of fish or wildlife designated as endangered or threatened
29 under this subchapter the commissioner may by rule identify areas currently or historically
30 providing physical or biological features essential to the conservation of the species and
31 that may require special management considerations. Rules adopted pursuant to this
32 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

33 **3. Protection guidelines.** The commissioner may by rule develop guidelines for the
34 protection of species of fish or wildlife designated as endangered or threatened under this
35 subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined
36 in Title 5, chapter 375, subchapter 2-A.

37 **5. Confidential information.** Specific information concerning the location of a
38 threatened ~~or~~ fish or wildlife species, endangered fish or wildlife species or species of
39 special concern is confidential if, in the judgment of the commissioner, disclosure of that
40 information would threaten the continued existence of the threatened ~~or~~ fish or wildlife
41 species, endangered fish or wildlife species or species of special concern. If the
42 commissioner determines that information is confidential under this subsection, the
43 commissioner may not disclose the information except to the landowner whose property is

1 the location of the threatened or fish or wildlife species, endangered fish or wildlife species
2 or species of special concern.

3 **Sec. 26. 12 MRSA §12805**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected
4 by Pt. D, §7 and c. 614, §9, is amended to read:

5 **§12805. Cooperative agreements**

6 The commissioner may enter into agreements with federal agencies, other states,
7 political subdivisions of this State or private persons for the establishment and maintenance
8 of programs for the conservation of endangered fish or wildlife species or threatened fish
9 or wildlife species and may receive all federal funds allocated for obligations to the State
10 pursuant to these agreements.

11 **Sec. 27. 12 MRSA §12806, sub-§1, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2
12 and affected by c. 614, §9, is amended to read:

13 A. Significantly alter the habitat identified under section 12804, subsection 2 of any
14 species of fish or wildlife designated as threatened or endangered under this
15 subchapter; or

16 **Sec. 28. 12 MRSA §12806, sub-§2, ¶A**, as enacted by PL 2003, c. 414, Pt. A, §2
17 and affected by c. 614, §9, is amended to read:

18 A. The commissioner certifies that the proposed action would not pose a significant
19 risk to any population of endangered fish or wildlife species or threatened fish or
20 wildlife species within the State; and

21 **Sec. 29. 12 MRSA §12808**, as amended by PL 2019, c. 267, §§1 and 2 and corrected
22 by RR 2019, c. 1, Pt. A, §§11 and 12, is further amended to read:

23 **§12808. Unauthorized activities regarding endangered fish or wildlife species or**
24 **threatened fish or wildlife species**

25 For the purposes of this section and section 12808-A, "to take," "take" and "taking"
26 mean the act or omission that results in the death of any endangered fish or wildlife species
27 or threatened fish or wildlife species.

28 **1. Prohibited acts regarding endangered fish or wildlife species or threatened fish**
29 **or wildlife species; negligence.** Except as provided in section 12808-A, a person may not
30 negligently:

31 A. Import into the State or export out of the State any endangered fish or wildlife
32 species or threatened fish or wildlife species. A person who violates this paragraph
33 commits a Class E crime, for which a fine of \$1,000 must be adjudged, none of which
34 may be suspended;

35 B. Hunt, take, trap, harass or possess any endangered fish or wildlife species or
36 threatened fish or wildlife species within the State. A person who violates this
37 paragraph commits a Class E crime, for which a fine of \$1,000 must be adjudged, none
38 of which may be suspended;

39 C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means
40 whatsoever, any endangered fish or wildlife species or threatened fish or wildlife
41 species or any part of an endangered fish or wildlife species or threatened fish or

1 wildlife species. A person who violates this paragraph commits a Class E crime, for
2 which a fine of \$1,000 must be adjudged, none of which may be suspended; or

3 D. Feed or set bait for any endangered fish or wildlife species or threatened fish or
4 wildlife species. A person who violates this paragraph commits a Class E crime for
5 which a fine of \$1,000 must be adjudged, none of which may be suspended.

6 **1-A. Prohibited acts regarding endangered fish or wildlife species or threatened**
7 **fish or wildlife species; intentional.** Except as provided in section 12808-A, a person may
8 not intentionally:

9 A. Import into the State or export out of the State any endangered fish or wildlife
10 species or threatened fish or wildlife species. A person who violates this paragraph
11 commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which
12 may be suspended;

13 B. Hunt, take, trap, harass or possess any endangered fish or wildlife species or
14 threatened fish or wildlife species within the State. A person who violates this
15 paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none
16 of which may be suspended;

17 C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means
18 whatsoever, any endangered fish or wildlife species or threatened fish or wildlife
19 species or any part of an endangered fish or wildlife species or threatened fish or
20 wildlife species. A person who violates this paragraph commits a Class D crime, for
21 which a fine of \$2,000 must be adjudged, none of which may be suspended; or

22 D. Feed or set bait for any endangered fish or wildlife species or threatened fish or
23 wildlife species. A person who violates this paragraph commits a Class D crime, for
24 which a fine of \$2,000 must be adjudged, none of which may be suspended.

25 **Sec. 30. 12 MRSA §12808-A**, as enacted by PL 2015, c. 423, §2, is amended to
26 read:

27 **§12808-A. Authorized activities regarding endangered fish or wildlife species or**
28 **threatened fish or wildlife species**

29 Notwithstanding section 12808 and notwithstanding section 10650 as it applies to rules
30 adopted in accordance with this subchapter, the commissioner may authorize certain
31 activities regarding endangered fish or wildlife species or threatened fish or wildlife species
32 in accordance with the following.

33 **1. Education, research, conservation and transportation.** Under such terms and
34 conditions as the commissioner prescribes, the commissioner may:

35 A. Authorize an act prohibited by section 12808 or by rule for educational or scientific
36 purposes or to enhance the recovery or survival of an endangered fish or wildlife
37 species or threatened fish or wildlife species; and

38 B. Authorize a person to transport without restriction but in accordance with the terms
39 of any federal or state permit an endangered fish or wildlife species or threatened fish
40 or wildlife species into, within or out of the State.

41 **2. Specific activity; incidental take plan.** Under such terms and conditions as the
42 commissioner prescribes, the commissioner may authorize a person to take an endangered

1 fish or wildlife species or threatened fish or wildlife species pursuant to an incidental take
2 plan if:

3 A. The taking is incidental to, and not the purpose of, carrying out an otherwise lawful
4 activity;

5 B. The taking will not impair the recovery of any endangered fish or wildlife species
6 or threatened fish or wildlife species; and

7 C. The person develops and implements an incidental take plan in accordance with
8 subsection 5 and that plan is approved by the commissioner. The commissioner may
9 modify or waive the requirement under this paragraph if the commissioner determines
10 the criteria in subsection 5 are substantially addressed in another permit, license or
11 agreement.

12 The commissioner shall seek input from knowledgeable individuals or groups on each
13 proposed incidental take plan developed under this subsection.

14 If the person violates any of the terms or conditions of an authorization granted pursuant to
15 this subsection, the authorization must be immediately suspended or revoked and the
16 person is subject to the prohibitions and penalties in section 12808 for that violation.

17 **3. Widespread activity; incidental take plan.** Under such terms and conditions as
18 the commissioner prescribes, the commissioner may authorize the taking of an endangered
19 fish or wildlife species or threatened fish or wildlife species pursuant to a widespread
20 activity incidental take plan developed by the commissioner in accordance with subsection
21 5 if:

22 A. The taking is incidental to, and not the purpose of, carrying out an otherwise lawful
23 activity;

24 B. The taking will not impair the recovery of any endangered fish or wildlife species
25 or threatened fish or wildlife species; and

26 C. The commissioner determines that the activity is widespread, is conducted by a
27 reasonably identifiable group of participants and poses a manageable risk of taking an
28 endangered fish or wildlife species or threatened fish or wildlife species.

29 The commissioner shall hold at least one public hearing and seek input from knowledgeable
30 individuals or groups on each proposed incidental take plan developed under this
31 subsection.

32 If a person violates any of the terms or conditions of an authorization granted pursuant to
33 this subsection, the authorization must be immediately suspended or revoked for that
34 person and that person is subject to the prohibitions and penalties in section 12808 for that
35 violation.

36 **4. Broad activity exemption.** The commissioner may adopt rules to provide an
37 exemption, under such terms and conditions as the commissioner determines necessary, for
38 a specific activity otherwise prohibited by section 12808, if the commissioner determines
39 the exemption:

40 A. Addresses a specific activity that is widespread in its occurrence but may not have
41 a reasonably identifiable group of participants;

1 B. Poses little or no risk of taking an endangered fish or wildlife species or threatened
2 fish or wildlife species; and

3 C. Will not individually or cumulatively impair the recovery of any endangered fish
4 or wildlife species or threatened fish or wildlife species.

5 The commissioner shall hold at least one public hearing and seek input from knowledgeable
6 individuals or groups on each proposed rule to provide a broad activity exemption.

7 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
8 chapter 375, subchapter 2-A.

9 **5. Incidental take plan criteria.** The commissioner may approve or adopt an
10 incidental take plan developed pursuant to subsection 2 or 3 that minimizes the incidental
11 taking of an endangered fish or wildlife species or threatened fish or wildlife species and
12 that provides the following:

13 A. A description of the specific activities sought to be authorized by the incidental
14 take plan and an analysis of potential alternatives;

15 B. The individual and cumulative effects that may reasonably be anticipated to result
16 from the proposed actions covered by the incidental take plan;

17 C. The recovery measures the applicant will implement to prevent, minimize and
18 mitigate the individual and cumulative effects and any provisions that are necessary to
19 prevent, minimize and mitigate circumstances that are likely to impair the recovery of
20 any endangered fish or wildlife species or threatened fish or wildlife species covered
21 by the incidental take plan;

22 D. The procedures for monitoring the effectiveness of the recovery measures in the
23 incidental take plan;

24 E. The anticipated costs of implementing the incidental take plan and the availability
25 of necessary funding for the applicant to implement the plan; and

26 F. Other modifications to the incidental take plan or additional measures, if any, that
27 the commissioner may require and such other matters as the commissioner determines
28 to be necessary for the recovery of species of fish or wildlife consistent with this
29 section.

30 **Sec. 31. 12 MRSA §12810**, as amended by PL 2019, c. 267, §3, is further amended
31 to read:

32 **§12810. Delisted fish or wildlife species**

33 **1. Definition.** For purposes of this section, "delisted fish or wildlife species" means a
34 fish or wildlife species that was listed as a state endangered or threatened species under
35 section 12803 and after 2007 was removed from that list by the Legislature. The following
36 is a delisted fish or wildlife species:

37 A. Bald eagle, *Haliaeetus leucocephalus*.

38 **2. Prohibited acts regarding delisted fish or wildlife species.** Except as otherwise
39 authorized by the commissioner pursuant to this Part, a person may not intentionally:

1 A. Import into the State or export out of the State a delisted fish or wildlife species. A
2 person who violates this paragraph commits a Class D crime, for which a fine of \$2,000
3 must be adjudged, none of which may be suspended;

4 B. Hunt, trap, harass or possess a delisted fish or wildlife species within the State. A
5 person who violates this paragraph commits a Class D crime, for which a fine of \$2,000
6 must be adjudged, none of which may be suspended; or

7 C. Process, sell, offer for sale, deliver, carry, transport or ship, by any means
8 whatsoever, a delisted fish or wildlife species or any part of a delisted fish or wildlife
9 species. A person who violates this paragraph commits a Class D crime, for which a
10 fine of \$2,000 must be adjudged, none of which may be suspended.

11 **Sec. 32. 12 MRSA c. 925, sub-c. 4** is enacted to read:

12 **SUBCHAPTER 4**

13 **NATURAL AREAS, RESEARCH AND MANAGEMENT**

14 **§12821. Definitions**

15 As used in this subchapter, unless the context otherwise indicates, the following terms
16 have the following meanings.

17 **1. Endangered plant species.** "Endangered plant species" means a native plant
18 species that is in danger of extinction throughout all or a significant portion of its range
19 within the State.

20 **2. Threatened plant species.** "Threatened plant species" means a species of native
21 plant likely to become an endangered plant species within the foreseeable future throughout
22 all or a significant portion of its range in the State.

23 **§12822. Commissioner's authority regarding conservation of natural areas**

24 **1. Inventory of natural areas.** The commissioner shall conduct an ongoing statewide
25 inventory of the State's natural areas, including, but not limited to, rare plants, animals,
26 natural communities and ecosystems or associated habitats and may conduct investigations
27 related to the population, habitat needs, limiting factors and other biological and ecological
28 data to support the mandates of the department or other cooperating agencies.

29 **2. Natural heritage database.** The commissioner shall maintain a natural heritage
30 database that must contain data from inventories and other data sources and other relevant
31 biological, ecological or other information about natural areas described in subsection 1
32 and about ecologically significant sites that harbor or otherwise contain these features.
33 Information contained in the natural heritage database may be made available as necessary
34 or appropriate for conservation and land use planning, environmental review, scientific
35 research and inquiry, education or other appropriate use. For the purposes of this
36 subsection, "appropriate use" means a use that will not jeopardize endangered plant species
37 or habitats.

38 **3. Ecological reserves database.** The commissioner shall maintain a database of areas
39 designated as ecological reserves as defined in section 1801, subsection 4-A and other

1 public lands designated and managed for equivalent purposes and shall provide scientific
2 review of areas on state land proposed as ecological reserves.

3 **4. Promotion of conservation of natural areas.** The commissioner shall promote
4 the conservation of natural areas by:

5 A. Making available current and accurate information to all appropriate entities to
6 interpret, educate or otherwise inform so as to support planning and conservation
7 activities in this State;

8 B. Promoting voluntary action to conserve and protect natural areas in this State;

9 C. Entering into agreements with landowners of natural areas to promote appropriate
10 and effective management of these areas in order to maintain and enhance the natural
11 value of these areas. The commissioner shall notify landowners of natural areas of the
12 natural value of their land and the implications of voluntary conservation; and

13 D. Developing and disseminating educational or technical materials for the purpose of
14 informing the general public and other interested persons or institutions about natural
15 areas and the value of these areas.

16 **§12823. Endangered plant species and threatened plant species**

17 The commissioner has the following responsibilities related to endangered plant
18 species and threatened plant species.

19 **1. Official list of endangered plant species and threatened plant species.** The
20 commissioner shall establish and maintain an official list of endangered plant species and
21 threatened plant species of the State. The purpose of the list is informational and may be
22 provided on an informational basis to public agencies, private institutions or individuals
23 for environmental assessment, land management or educational purposes.

24 **2. Identification procedures.** The commissioner may establish procedures to
25 substantiate the identification of endangered plant species and threatened plant species. In
26 determining and revising the official list under subsection 1, the commissioner shall use
27 the department's rare plant database and the knowledge of botanists in the State. In addition,
28 the commissioner shall consult with federal agencies, interested state agencies, other states
29 or provinces having a common interest and other interested persons and organizations. The
30 commissioner shall determine criteria for each category. When establishing the list, the
31 commissioner shall consider aspects of plant biology that contribute to a species' rarity,
32 such as:

33 A. Endemism. A plant species or subspecies may be geographically restricted to the
34 State or areas immediately adjacent to the State;

35 B. Scarcity. A plant species or subspecies may be scarce throughout its distribution in
36 North America and occur in only a few locations in the State;

37 C. Special habitat. A plant species or subspecies may require habitat that is scarce in
38 the State;

39 D. Limit of range. A plant species or subspecies in the State may be at the edge of its
40 distribution or disjunct from its main distribution; and

1 E. Population decline or vulnerability. A plant species or subspecies may be threatened
2 or seriously declining due to habitat modification or destruction or from overcollection
3 for commercial, recreational or educational purposes.

4 **3. Public hearing.** The commissioner shall conduct at least one public hearing to
5 allow for public comment before establishing or revising the official list under subsection
6 1.

7 **4. Review of inventory.** The commissioner shall review the official list under
8 subsection 1 biennially and add or delete a plant species or subspecies based on new
9 botanical inventory data, taxonomic or other scientific studies or other documentation.

10 **§12824. Sensitive information**

11 The commissioner may withhold specific information on the location of a plant species,
12 subspecies or natural area and its component features if, in the judgment of the
13 commissioner, disclosure of this information would threaten the existence of that species
14 or subspecies or natural area. The commissioner may not deny a landowner or landowner's
15 designee information about species, subspecies or natural areas occurring on the
16 landowner's property or withhold this information from usual environmental review
17 procedures of local, state or federal regulatory agencies.

18 **§12825. Rulemaking**

19 The commissioner may not adopt rules to protect plants and plant communities under
20 this subchapter except when required for the conservation of rare fish or wildlife species,
21 threatened fish or wildlife species or endangered fish or wildlife species.

22 **Sec. 33. 36 MRSA §1109, sub-§3, ¶M,** as amended by PL 2007, c. 627, §29, is
23 further amended to read:

24 M. The identification of the land or of outstanding natural resources on the land by a
25 legislatively mandated program, on the state, local or federal level, as particular areas,
26 parcels, land types or natural resources for protection, including, but not limited to, the
27 ~~register database of critical areas under identified pursuant to Title 12, section 544-B~~
28 10053; the laws governing wildlife sanctuaries and management areas under Title 12,
29 section 10109, subsection 1 and Title 12, sections 12706 and 12708; the laws governing
30 the State's rivers under Title 12, chapter 200; the natural resource protection laws under
31 Title 38, chapter 3, subchapter 1, article 5-A; and the Maine Coastal Barrier Resources
32 Systems under Title 38, chapter 21;

33 **Sec. 34. 38 MRSA §480-B, sub-§1-C** is enacted to read:

34 **1-C. Critically imperiled.** "Critically imperiled" means a natural community,
35 ecosystem or species of fish, wildlife or plant that is at very high risk of extirpation in this
36 State due to very restricted range, very few populations or occurrences, very steep declines,
37 severe threats or other factors and that is ranked as critically imperiled in the state ranking
38 scale applied to a natural community, ecosystem or species of fish, wildlife or plant as
39 determined by the Department of Inland Fisheries and Wildlife.

40 **Sec. 35. 38 MRSA §480-B, sub-§5-D** is enacted to read:

41 **5-D. Imperiled.** "Imperiled" means a natural community, ecosystem or species of
42 fish, wildlife or plant that is at high risk of extirpation in this State due to restricted range,
43 few populations or occurrences, steep declines, severe threats or other factors and that is

1 ranked as imperiled in the state ranking scale applied to a natural community, ecosystem
2 or species of fish, wildlife or plant as determined by the Department of Inland Fisheries
3 and Wildlife.

4 **Sec. 36. 38 MRSA §480-B, sub-§10, ¶B**, as amended by PL 2023, c. 156, §2, is
5 further amended by amending subparagraph (4) to read:

6 (4) Habitat for state endangered and state threatened species of fish or wildlife
7 listed under Title 12, section 12803, subsection 3 that is within another protected
8 natural resource area or that is located wholly or partly within the boundaries of a
9 proposed project site that requires approval from:

10 (a) The department pursuant to this article or article 6, 7 or 8-A, except for
11 activity or development on a residential lot that is not part of a proposed multi
12 lot housing development; or

13 (b) The Maine Land Use Planning Commission pursuant to this article as
14 provided in section 480-E-1 or, for subdivisions and nonresidential uses only,
15 pursuant to Title 12, chapter 206-A.

16 **Sec. 37. 38 MRSA §480-U, sub-§2, ¶A**, as amended by PL 2009, c. 561, §38, is
17 further amended by amending subparagraph (3) to read:

18 (3) Contains endangered plant species or threatened plant species as ~~defined in~~
19 determined pursuant to Title 12, section 544 12823;

20 **Sec. 38. 38 MRSA §480-X, sub-§5**, as amended by PL 1999, c. 556, §32, is further
21 amended to read:

22 **5. Additional projects not eligible for Tier 2 review.** An activity in freshwater
23 wetlands containing a natural community that is imperiled (S2) or critically imperiled (S1),
24 as ~~defined determined~~ by the ~~Natural Areas Program pursuant to Title 12, section 544~~
25 Commissioner of Inland Fisheries and Wildlife is not eligible for Tier 2 review unless the
26 department determines that the activity will not negatively affect the freshwater wetlands
27 and other protected natural resources present.

28 **Sec. 39. 38 MRSA §480-Y, sub-§2, ¶C**, as amended by PL 1999, c. 556, §33, is
29 further amended to read:

30 C. The pond may not be located in a wetland containing endangered or threatened
31 plant species as determined pursuant to Title 12, section ~~544-B, subsection 3 12823~~ or
32 containing a natural community that is imperiled (S2) or critically imperiled (S1) as
33 ~~defined determined~~ by the ~~Natural Areas Program pursuant to Title 12, section 544~~
34 Commissioner of Inland Fisheries and Wildlife.

35 **Sec. 40. 38 MRSA §480-BB, first ¶**, as amended by PL 2023, c. 156, §3, is further
36 amended to read:

37 The Department of Inland Fisheries and Wildlife shall adopt rules that define
38 "significant vernal pool habitat," "high and moderate value waterfowl and wading bird
39 habitat," "shorebird nesting, feeding and staging areas" and "habitat for state endangered
40 and state threatened species of fish or wildlife listed under Title 12, section 12803,
41 subsection 3" under section 480-B, subsection 10, paragraph B. The Department of
42 Environmental Protection shall adopt rules regarding the criteria used to determine whether

1 an area is significant vernal pool habitat, high and moderate value waterfowl and wading
2 bird habitat, shorebird nesting, feeding and staging areas or habitat for state endangered
3 and state threatened species of fish or wildlife listed under Title 12, section 12803,
4 subsection 3 under section 480-B, subsection 10, paragraph B. The rules, as applicable,
5 must:

6 **Sec. 41. 38 MRSA §488, sub-§19, ¶D**, as amended by PL 2011, c. 655, Pt. FF,
7 §13 and affected by §16 and amended by c. 657, Pt. W, §5, is further amended to read:

8 D. The former State Planning Office or the Department of Agriculture, Conservation
9 and Forestry or the Department of Inland Fisheries and Wildlife has determined that
10 the municipality has a comprehensive land use plan and land use ordinances or zoning
11 ordinances that are consistent with Title 30-A, chapter 187 in providing for the
12 protection of wildlife habitat, fisheries, unusual natural areas and archaeological and
13 historic sites.

14 **Sec. 42. 38 MRSA §490-D, sub-§1**, as amended by PL 2009, c. 293, §5, is further
15 amended to read:

16 **1. Significant wildlife habitat and other protected areas.** Affected land may not be
17 located in, on or over a significant wildlife habitat or other type of protected natural
18 resource, as defined in section 480-B, or in an area listed pursuant to ~~the Natural Areas~~
19 ~~Program~~, Title 12, section 544 12822. The department may allow excavation to occur
20 under this section as long as a permit is obtained pursuant to article 5-A. Permit
21 requirements for certain excavations in, on or over high and moderate value inland
22 waterfowl and wading bird habitat are also governed by section 480-GG.

23 **Sec. 43. 38 MRSA §490-Z, sub-§1**, as amended by PL 2009, c. 293, §6, is further
24 amended to read:

25 **1. Significant wildlife habitat and other protected areas.** Affected land may not be
26 located in, on or over a significant wildlife habitat or other type of protected natural
27 resource, as defined in section 480-B, or in an area listed pursuant to ~~the Natural Areas~~
28 ~~Program~~, Title 12, section 544 12822. The department may allow excavation to occur
29 under this section as long as a permit is obtained pursuant to article 5-A. Permit
30 requirements for certain excavations in, on or over high and moderate value inland
31 waterfowl and wading bird habitat are also governed by section 480-GG.

32 **Sec. 44. Department of Inland Fisheries and Wildlife report.** No later than
33 November 4, 2026, the Department of Inland Fisheries and Wildlife shall provide a report,
34 including any findings and recommendations, to the joint standing committees of the
35 Legislature having jurisdiction over inland fisheries and wildlife matters and agriculture,
36 conservation and forestry matters on the reassignment of duties under the Natural Areas
37 Program from the Department of Agriculture, Conservation and Forestry to the Department
38 of Inland Fisheries and Wildlife. Each committee may submit legislation related to the
39 subject matter of the report to the 133rd Legislature in 2027.

40 SUMMARY

41 This bill repeals the laws governing the Natural Areas Program administered by the
42 Department of Agriculture, Conservation and Forestry and reassigns certain
43 responsibilities under the program to the Department of Inland Fisheries and Wildlife. The

1 bill updates relevant definitions in the Maine Revised Statutes, Title 12 and cross-
2 references in Titles 36 and 38 to reflect these changes. The bill also reestablishes the
3 Natural Areas Conservation Fund, which is administered by the Commissioner of Inland
4 Fisheries and Wildlife.