

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Governing Significant Wildlife Habitat

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

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

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

(1) Significant vernal pool habitat;

(2) High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; and

(3) Shorebird nesting, feeding and staging areas.

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

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

Sec. 3. 38 MRSA §480-I, sub-§1, ¶B, as enacted by PL 2007, c. 290, §3, is repealed.

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

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

Sec. 5. 38 MRSA §480-Q, sub-§7-A, ¶C, as amended by PL 2001, c. 618, §4, is repealed.

SUMMARY

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