

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 Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act**

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

**Sec. 1. 38 MRSA §480-BB, sub-§2**, as enacted by PL 2005, c. 116, §5, is amended to read:

**2. Certain landowners not subject to regulation.** Provide that a landowner proposing to cause an impact on ~~the buffer area defined for~~ a significant vernal pool habitat is not subject to regulation pursuant to the rule if the significant vernal pool habitat depression is not on property owned or controlled by that landowner. For purposes of this subsection, if the significant vernal pool habitat depression is bisected by a property boundary, only that portion of the significant vernal pool habitat depression located on property owned or controlled by that landowner may be considered in determining whether the landowner is subject to regulation;

**Sec. 2. PL 2007, c. 533, §3, sub-§1, ¶A** is amended to read:

A. When a vernal pool habitat has not previously been determined to be significant and the Department of Environmental Protection or the Department of Inland Fisheries and Wildlife makes a determination concerning whether the vernal pool habitat is significant, ~~either department may determine that the vernal pool habitat is not significant if:~~

- (1) The vernal pool is located in southern Maine and dries out after spring filling and before July 15th ~~based on winter, spring and early summer precipitation;~~ or
- (2) The vernal pool is located in northern Maine and dries out after spring filling and before July 31st ~~based on winter, spring and early summer precipitation.~~

### **SUMMARY**

The bill clarifies that a landowner proposing to cause an impact to a significant vernal pool habitat is not subject to regulation pursuant to the Department of Environmental Protection's vernal pool rules if the significant vernal pool habitat depression is not on property owned or controlled by that landowner.

This bill also clarifies that, when a vernal pool habitat has not previously been determined to be significant and the Department of Environmental Protection or the Department of Inland Fisheries and Wildlife makes a determination as to its significance, the vernal pool habitat is considered to be not significant if it is located in southern Maine and dries out after spring filling and before July 15th or if it is located in northern Maine and dries out after spring filling and before July 31st.