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Legislative Document

No. 341

S.P. 103

In Senate, February 8, 2011

An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative CEBRA of Naples and
Senators: COLLINS of York, LANGLEY of Hancock, MASON of Androscoggin, SAVIELLO
of Franklin, Representative: COTTA of China.

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

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

3 **1-C. Artificial significant vernal pool habitat.** "Artificial significant vernal pool
4 habitat" means a significant vernal pool habitat that is created as a result of human
5 activity.

6 **Sec. 2. 38 MRSA §480-B, sub-§1-D** is enacted to read:

7 **1-D. Artificial wetlands.** "Artificial wetlands" means wetlands that are created
8 solely as a result of human activity.

9 **Sec. 3. 38 MRSA §480-B, sub-§4, ¶B,** as amended by PL 1995, c. 460, §1 and
10 affected by §12, is further amended to read:

11 B. Inundated or saturated by surface or groundwater at a frequency and for a
12 duration sufficient to support, and ~~which~~ that under normal circumstances do support,
13 a prevalence of wetland vegetation typically adapted for life in saturated soils; ~~and~~

14 **Sec. 4. 38 MRSA §480-B, sub-§4, ¶C,** as enacted by PL 1987, c. 809, §2, is
15 amended to read:

16 C. Not considered part of a great pond, coastal wetland, river, stream or brook; and

17 **Sec. 5. 38 MRSA §480-B, sub-§4, ¶D** is enacted to read:

18 **D. Not artificial wetlands.**

19 **Sec. 6. 38 MRSA §480-B, sub-§10, ¶B,** as enacted by PL 2005, c. 116, §2, is
20 amended to read:

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

- 27 (1) Significant vernal pool habitat, except for artificial significant vernal pool
28 habitat;
29 (2) High and moderate value waterfowl and wading bird habitat, including
30 nesting and feeding areas; and
31 (3) Shorebird nesting, feeding and staging areas.

32 **SUMMARY**

33 This bill exempts artificial wetlands and artificial significant vernal pool habitats
34 from state regulation under the Natural Resources Protection Act.

