MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 696

H.P. 513

House of Representatives, February 14, 2003

An Act To Maintain Beaches as Recreation Sites for the Public

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

Millicent M. Macfarland MILLICENT M. MacFARLAND Clerk

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: ANNIS of Dover-Foxcroft, HUTTON of Bowdoinham, KOFFMAN of Bar
Harbor, SAVIELLO of Wilton, THOMPSON of China, TWOMEY of Biddeford, Senators:
EDMONDS of Cumberland, SAWYER of Penobscot.

2	
	Sec. 1. 38 MRSA §480-C, sub-§4 is enacted to read:
4	
	 Prohibited activities; no permits authorized.
6	Notwithstanding subsections 1 and 2, the following activities are
	prohibited and permits for the activities may not be issued:
8	
	A. Construction of new or enlargement of existing seawalls,
10	bulkheads or similar structures on the coastal sand dune
	system. Maintenance and repair are permitted as long as
12	they are conducted on the applicant's property and rocks, if
	used, are placed no more seaward than the existing seawall,
14	except as permitted in section 480-0;
16	B. Reconstruction or replacement of buildings that are
	damaged by more than 50% and are located in the coastal sand
18	dune system, if the damage was caused by wave action due to
	an ocean storm;
20	
	C. Maintenance and repair of a structure located in the
22	coastal sand dune system when the cost, including the value
	of labor and materials, is equivalent to or exceeds 50% of
24	the structure's assessed value; and
26	D. Construction of new buildings in the frontal dune.
	C. 2 20 MDC 4 8400 W 4 81
28	Sec. 2. 38 MRSA §480-W, sub-§1, as enacted by PL 1995, c.
2.0	230, §1, is amended to read:
30	1 Destruction and animals Disease with the second bears and achieve
2.2	1. Protective materials. Place riprap, sandbags or other
32	heavy nonhazardous material to shore up the threatened structure and replace, repair or leave the materials in place until a
34	project designed to alleviate the threat is certified by the
34	department and by the local code enforcement officer, and that
36	project requires removal of the material. Protective materials
50	must be placed on the landowner's property and may not be placed
38	in a position more seaward than the existing structure; and
	Can 2 20 MDCA 8490 W
40	Sec. 3. 38 MRSA §480-W. as enacted by PL 1995, c. 230, §1,
4.2	is amended by adding a new paragraph at the end to read:
42	Nothing in this section may be construed to allow
4.4	construction of new or enlargement of existing seawalls.
44	bulkheads or similar structures as prohibited by section 480-C.
46	subsection 4, paragraph A.
₹ U	Subsection 3, baradrabu w.
48	Sec. 4. 38 MRSA §480-AA is enacted to read:
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Be it enacted by the People of the State of Maine as follows:

§480-AA. Variance for activities in coastal sand dune system

50

2	 Basis for variance. The board may grant a variance from
	the sand supply standard in section 480-D, subsection 7 for the
4	following only:
6	A. Reconstruction or replacement of a building located in a V-zone, as described in section 480-E, subsection 9, due to
8	involuntary destruction by fire or other cause, except for an ocean storm; or
10	B. Height restrictions for new structures or additions to
12	existing structures for the purpose of raising an existing building above the flood elevation, provided the increase in
14	height is no more than the minimum necessary to meet flooding requirements.
16	2. Requirements. In order to obtain a variance, the
18	applicant must demonstrate, by clear and convincing evidence, that:
20	A. There is no feasible alternative to the proposed
22	variance;
24	B. Because of unusual design characteristics or site conditions, the project will be consistent with the intent
26	of the board;
28	C. If the variance is granted, the project will not cause harm to real or personal property not owned by the
30	applicant; and
32	D. Even if the proposed variance is granted, all other statutory criteria set forth in section 480-D will be met.
34	
36	SUMMARY
38	This bill prohibits seawall construction and enlargement; prohibits reconstruction of buildings in the sand dune system
40	damaged by more than 50% by a storm; prohibits construction of new buildings in the frontal dune; and authorizes the Board of
42	Environmental Protection to grant variances from sand supply standards.