

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1860

H.P. 1300

House of Representatives, January 3, 2006

An Act Concerning Certain Provisions Regarding Protection of Natural Resources Related to Activities in Coastal Areas

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Received by the Clerk of the House on December 28, 2005. Referred to the Committee on
Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KOFFMAN of Bar Harbor.
Cosponsored by Representative: PERCY of Phippsburg, Senator: NASS of York.

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

Sec. 1. 38 MRSA §480-E, sub-§9, as enacted by PL 1999, c. 298, §1, is repealed.

Sec. 2. 38 MRSA §480-W, as enacted by PL 1995, c. 230, §1, is amended to read:

§480-W. Emergency actions to protect threatened property

Notwithstanding section 480-C, if the local code enforcement officer, ~~a state-licensed professional engineer~~ or a state-certified geologist determines that the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened, the owner of property protected by the seawall, bulkhead, retaining wall or similar structure may, without obtaining a permit under this article:

1. Protective materials. Place riprap, sandbags or other heavy nonhazardous material to shore up the threatened structure and ~~replace, repair or~~ leave the materials in place ~~until a project designed to alleviate the threat is certified by the department and by the local code enforcement officer, and that project requires removal of the material~~ for no more than 18 months from the date the first repair material is placed; and

2. Strengthening of structure. Take such actions ~~as are necessary to strengthen to the extent necessary to alleviate the imminent threat, including strengthening the seawall, bulkhead,~~ retaining wall or other structure, including widening the footings and securing the structure to the sand with ~~belts~~ tie-back anchors.

If a local code enforcement officer, ~~state-licensed professional engineer or state-certified geologist~~ fails to determine whether the integrity of a structure is destroyed or threatened within ~~12~~ 6 hours of initial contact by the property owner, the property owner may proceed as if the code enforcement officer, ~~state-licensed professional engineer or state-certified geologist~~ had determined that the integrity of the structure was destroyed or threatened.

SUMMARY

This bill repeals a provision in the Maine Revised Statutes, Title 38, section 480-E, subsection 9 that prohibits the Department of Environmental Protection from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the

2 Federal Emergency Management Agency for the National Flood
Insurance Program.

4 This bill also clarifies certain emergency actions that may
be taken without a permit, if specified criteria are met, when
6 the integrity of a seawall, bulkhead, retaining wall or similar
structure in a coastal sand dune system is destroyed or
8 threatened by specifying that protective materials may be left in
place to shore up a structure no more than 18 months and by
10 providing that actions taken to strengthen structures must be
limited to those necessary to alleviate the imminent threat.
12 Also, the list of those persons authorized to make determinations
concerning the integrity of a structure is expanded.