

L.D. 1729

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(Filing No. H-587)

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3	STATE OF MAINE
4	HOUSE OF REPRESENTATIVES
5	112TH LEGISLATURE
6	SECOND REGULAR SESSION
7 8	COMMITTEE AMENDMENT " ${\cal A}$ " to H.P. 1221, L.D. 1729, Bill, "AN ACT to Clarify the Sand Dunes Law."
9	Amend the bill by striking out everything after
10	the enacting clause and inserting in its place the
11	following:
12	'38 MRSA §474, sub-§2, ¶A is enacted to read:
13	A. Nothing in this article prohibits the re-
14	building, replacement or new construction of a
15	bulkhead, retaining wall or similar structure,
16	provided that the applicant for a permit demon-
17	strates to the board or municipality, as appro-
18	priate, that the following conditions are met:
19	(1) The bulkhead or similar structure to be
20	constructed, rebuilt or replaced is located
21	along some or all of the north-northeasterly
22	property lines of land abutting the
23	Scarborough River from the jetty to the
24	Scarborough town landing; and
25	(2) The terminus of any bulkhead or similar
26	structure, including any wing wall, unless
27	connected to another bulkhead or similar
28	structure, shall terminate at least 25 feet
29	from any abutting property.
30	Any permit issued under this paragraph for a
31	bulkhead or similar structure which is not con-
32	nected at both ends to another bulkhead or simi-
33	lar structure shall be subject to only the stan-
34	dard conditions applicable to all permits granted
35	under sections 471 to 478 as well as the follow-
36	ing conditions: The permit applicant or appli-
37	cants shall be responsible for reasonably main-

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1	taining the bulkhead or similar structure and for
2	repairing damage to the frontal sand dune which
3	occurs between the end of the bulkhead or similar
4	structure and the Scarborough town landing and
5	which is caused by the existence of the bulkhead
6	or similar structure; the applicant or applicants
7	shall submit a report prepared by a
8	state-certified geologist to the commissioner ev-
9	ery 2nd year following issuance of the permit, or
10	until such time as the commissioner deems the re-
11	port need not be filed or can be filed at longer
12	intervals, which report shall describe the sta-
13	tus of the frontal sand dune between the end of
14	the bulkhead or similar structure and the
15	Scarborough town landing and contain whatever
16	recommendations the geologist determines are rea-
17	sonably required to maintain the frontal sand
18	dune in that area; and the applicant or appli-
19	cants shall follow the recommendations.'

STATEMENT OF FACT

The original bill allowed the construction of seawalls in a sand-dune system where necessary to protect existing dwellings and permitted permanent dwellings to be rebuilt or replaced in a sand-dune system under certain circumstances.

26 This amendment strictly limits the conditions un-27 der which construction of a seawall will be permit-28 ted. To be permitted, a seawall must be located along the north-northeasterly property lines of land 29 abutting the Scarborough River from the jetty to the 30 Scarborough town landing and must end at least 25 feet from an abutting property line. In addition to 31 32 33 other conditions imposed by the Board of Environmen-34 tal Protection, the applicants for the seawall permit shall be responsible for maintaining the seawall, for 35 36 repairing damage to the frontal sand dune caused by 37 the existence of the seawall, for biannually submitCOMMITTEE AMENDMENT "A" to H.P. 1221, L.D. 1729

ting a report of a certified geologist to the commissioner on the status of the frontal sand dune and for complying with those recommendations.

4 This amendment deletes the portion of the bill 5 which allowed the rebuilding or replacement of perma-6 nent dwellings in the sand-dune system.

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Reported by the Majority of the Committee on Energy and Natural Resources Reproduced and distributed under the direction of the Clerk of the House 3/19/86 (Filing No. H-587)

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