

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1729

6
7 H.P. 1221

House of Representatives, December 24, 1985

8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

9 Received by the Clerk of the House on December 24, 1985. Referred to
10 the Committee on Energy and Natural Resources and 1,600 ordered printed
pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Warren of Scarborough.

11 Cosponsored by Senator Kerry of York and Representative Higgins of
Scarborough.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Clarify the Sand Dunes Law.
18

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

21 38 MRSA §474, sub-§2, as enacted by PL 1979, c.
22 504, §3, is amended by adding at the end the follow-
23 ing:

24 2. Sand dunes permit. If the applicant for a
25 sand dunes permit demonstrates to the satisfaction of
26 the board or municipality, as appropriate, that the
27 proposed activity will not unreasonably interfere
28 with existing recreational or wildlife uses; unrea-
29 sonably interfere with the natural supply or movement
30 of sand within or to the sand dune system; unreason-
31 ably increase the erosion hazard to the sand dune
32 system; or cause an unreasonable flood hazard to
33 structures built in, on or over any coastal sand dune
34 or neighboring property, the board or municipality
35 shall grant the permit upon such terms as are neces-
36 sary to insure that the proposed activity will comply
37 with the foregoing standards.

1 A. Nothing in this subchapter prohibits the re-
2 building, replacement or new construction of a
3 bulkhead, retaining wall or similar structure in
4 a coastal sand dune system provided that the ap-
5 plicant for a sand dune permit demonstrates to
6 the satisfaction of the board or municipality, as
7 appropriate, that the proposed activity is rea-
8 sonably necessary to protect existing dwelling
9 structures.

10 B. Nothing in this subchapter prohibits, in a
11 sand dune system, the rebuilding of a permanent
12 dwelling structure that has been damaged in ex-
13 cess of 50% of its current appraised value or the
14 building of a new permanent dwelling structure as
15 a replacement for a permanent dwelling structure
16 that has been dismantled or removed because of
17 erosion to the sand dune system, provided that
18 the applicant demonstrates to the satisfaction of
19 the board or municipality, as appropriate, that
20 the following conditions are met.

21 (1) The rebuilt or replacement dwelling
22 structure shall be located as far back on
23 the subject lot as possible.

24 (2) The rebuilt or replacement dwelling
25 structure is raised on posts so that the
26 lowest portion of the structural members of
27 the lowest floor is at least one foot above
28 the elevation of the 100-year flood.

29 (3) The rebuilt or replacement dwelling
30 structure shall be certified by a Maine reg-
31 istered engineer or architect to withstand a
32 100-year storm event without substantial
33 damage.

34 (4) The rebuilt or replacement dwelling
35 structure shall not cover a surface area
36 larger than the surface area occupied by the
37 dwelling structure prior to its damage, dis-
38 mantling or removal, as the case may be.

39 For purposes of this subsection, the 100-year flood
40 is the flood with a 1% chance of occurring in any
41 given year and the 100-year storm event is the low

1 pressure system accompanied by winds and precipita-
2 tion with a 1% chance of occurring in any given year.
3 This subsection applies regardless of the lapse of
4 time between the damage, dismantling or removal, as
5 the case may be, of the dwelling structure and the
6 time the applicant applies for a sand dune permit.

7

STATEMENT OF FACT

8 This bill clarifies the application of the sand
9 dunes law. The bill is designed to allow property
10 owners to rebuild, replace or construct bulkheads,
11 retaining walls or similar structures reasonably nec-
12 essary to protect existing dwelling structures. The
13 bill also clarifies that permanent dwelling struc-
14 tures may be rebuilt or replaced within the sand dune
15 system so long as the proposed construction meets the
16 specific statutory guidelines.

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