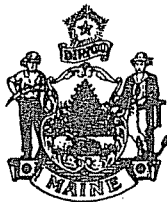


# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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Legislative Document

No. 373

S.P. 161

Received by the Secretary, February 5, 1991

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland

Cosponsored by Representative JACQUES of Waterville, Representative SIMPSON of Casco and Representative LORD of Waterboro.

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STATE OF MAINE

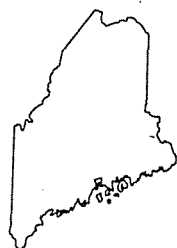
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act to Prevent Ongoing Erosion Damage to the Environment by  
Allowing Preventative Repair.**

---



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

2  
38 MRSA §480-U is enacted to read:

4 **§480-U. Repair or protection of threatened areas; net benefit**

6  
7 Notwithstanding section 480-D, the department shall grant a  
8 permit for a proposed project when it finds that:

10 **1. Acute or chronic degradation.** The project is necessary  
11 either to repair an area that has suffered recent and severe  
12 damage from a natural disaster or to protect an area subject to  
13 imminent catastrophic damage as a result of natural chronic  
14 erosion or degradation; and

16 **2. Demonstrable net benefits.** The long-term environmental  
17 and economic benefits derived from the repair are demonstrably  
18 greater than the short-term environmental and economic impacts  
19 caused by the repair.

20  
21 By January 1, 1992, the board shall adopt rules governing  
22 permits issued under this section, including standards for  
23 determining short-term and long-term environmental and economic  
24 impacts.

26  
27  
28 **STATEMENT OF FACT**

30 This bill requires the Department of Environmental  
31 Protection to issue permits under the natural resource protection  
32 laws for projects that repair or protect areas from acute or  
33 chronic environmental degradation, even if the project does not  
34 meet the current environmental standards, as long as the  
35 applicant demonstrates that the long-term benefits of the project  
36 outweigh the short-term impacts of the project. The Board of  
37 Environmental Protection is required to adopt rules to implement  
38 this bill by January 1, 1992.