

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

3
108

L.D. 160

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

DATE: March 28, 1995 (Filing No. S- 36)

NATURAL RESOURCES

Reported by: Senator LORD of York for the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 72, L.D. 160, Bill, "An Act to Amend the Laws Pertaining to Governmentally Constructed Jetties"

Amend the bill by striking out the title and substituting the following:

'An Act to Protect the Integrity of Seawalls and Retaining Walls'

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 38 MRSA §480-W is enacted to read:

§480-W. Emergency actions to protect threatened property

Notwithstanding section 480-C, if the local code enforcement officer 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 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; and

7 of 9

2 2. Strengthening of structure. Take such actions as are
3 necessary to strengthen the seawall, retaining wall or other
4 structure, including widening the footings and securing the
5 structure to the sand with bolts.

6 If a local code enforcement officer fails to determine
7 whether the integrity of a structure is destroyed or threatened
8 within 12 hours of initial contact by the property owner, the
9 property owner may proceed as if the code enforcement officer had
10 determined that the integrity of the structure was destroyed or
11 threatened.'

12
13 Further amend the bill by inserting at the end before the
14 statement of fact the following:

15 **FISCAL NOTE**

16
17 The Department of Environmental Protection will incur some
18 minor additional costs to amend certain rules pertaining to the
19 permitting process. These costs can be absorbed within the
20 department's existing budgeted resources.'

21
22
23 **STATEMENT OF FACT**

24
25 This amendment allows coastal property owners whose seawalls
26 and retaining walls are in danger of collapse or breach to take
27 emergency measures to protect their property, without obtaining a
28 permit under the natural resources protection laws. The
29 authorized actions include placement of riprap, widening of
30 footings and strengthening of walls. Riprap or other materials
31 could remain in place until the Department of Environmental
32 Protection and the local code enforcement officer certify that a
33 project has begun that will protect the threatened property and
34 that project requires the removal of the riprap or other
35 material. The amendment also adds a fiscal note.
36