

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 160

S.P. 72

In Senate, January 20, 1995

**An Act to Amend the Laws Pertaining to Governmentally Constructed
Jetties.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CARPENTER of York.
Cosponsored by Representatives: CARLETON of Wells, LIBBY of Kennebunk.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the jetties that have been erected by the
government have caused some erosion in some areas of the State;
and

8
10 **Whereas,** it is imperative to allow the owners of the land
the opportunity to install riprap in front of seawalls to protect
the land from erosion; and

12
14 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

18
20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. 38 MRSA §480-B, sub-§7,** as enacted by PL 1987, c. 809,
§2, is amended to read:

24 **7. Permanent structure.** "Permanent structure" means any
structure constructed or erected with a fixed location, or
26 attached to a structure with a fixed location, on or in the
ground within a fragile mountain area, or having a fixed location
in, on or over the water for a period exceeding 7 months each
28 year, including, but not limited to, causeways, piers, docks,
concrete slabs, piles, marinas, retaining walls and buildings;
30 except that the 7-month restriction does not apply to riprap
installed in front of seawalls, and extending no more than 25
feet seaward, for protection from erosion caused in whole or in
part by the existence of governmentally erected jetties.

34
36 **Sec. 2. 38 MRSA §480-C, sub-§4** is enacted to read:

38 **4. Exception.** A permit is not required to install riprap
in front of seawalls for protection from erosion caused in whole
or in part by the existence of governmentally erected jetties.
The riprap may not extend more than 25 feet seaward.

42
44 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

46
48 **STATEMENT OF FACT**

50 This bill amends the law dealing with governmentally
constructed jetties by excluding riprap installed in front of

2 seawalls from the definition of permanent structure. The bill
also exempts a person from having to apply for a permit in order
to install the riprap.

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