



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 422

S.P. 160

In Senate, February 6, 1995

An Act to Amend the Laws Pertaining to Bulkheads and Retaining Walls on Scarborough River.

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

May Th.

MAY M. ROSS Secretary of the Senate

Presented by Senator AMERO of Cumberland. Cosponsored by Senator: PENDEXTER of Cumberland, Representatives: GOULD of Greenville, LOVETT of Scarborough, PENDLETON of Scarborough.

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

Sec. 1. 38 MRSA §480-O, last ¶, as enacted by PL 1987, c. 809, §2, is amended to read:

6 Any permit issued under this section for a bulkhead or similar structure which that is not connected at both ends to another bulkhead or similar structure shall-be is subject to only 8 the standard conditions applicable to all permits granted under 10 this article as well as the following conditions. The permit applicant or applicants shall-be are responsible for reasonably maintaining the bulkhead or similar structure and for repairing 12damage to the frontal sand dune which that occurs between the end 14 of the bulkhead or similar structure and the Scarborough town landing and which is caused by the existence of the bulkhead or 16 similar structure. The applicant or applicants shall submit a report prepared by a state-certified geologist to the 1.8commissioner every 2nd year following issuance of the permit or until such time as the commissioner deems determines the report need not be filed or may be filed at longer intervals. 20 The report shall must describe the status of the frontal sand dune between the end of the bulkhead or similar structure and the 2.2. Scarborough town landing and contain whatever recommendations the geologist determines are reasonably required to maintain the 24 frontal sand dune in that area. The commissioner may review the report, amend its recommendations and require the applicant or 26 applicants shall to follow the recommendations.

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STATEMENT OF FACT

32 Thic **bi**11 allows the Commissioner of Environmental Protection to review the report that is required every 2 years from the holder of a permit for a bulkhead or retaining wall on 34 Scarborough River. The bill also allows the commissioner to amend recommendations of a report and require a permit holder to 36 follow the recommendations. Under current law, a permit holder 38 is required to hire a state-certified geologist to write a A permit holder is required to follow that geologist's report. 40 recommendations.