

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 696

H.P. 513

House of Representatives, February 14, 2003

### An Act To Maintain Beaches as Recreation Sites for the Public

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative COWGER of Hallowell.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: ANNIS of Dover-Foxcroft, HUTTON of Bowdoinham, KOFFMAN of Bar  
Harbor, SAVIELLO of Wilton, THOMPSON of China, TWOMEY of Biddeford, Senators:  
EDMONDS of Cumberland, SAWYER of Penobscot.

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

4 **Sec. 1. 38 MRSA §480-C, sub-§4** is enacted to read:

6 **4. Prohibited activities; no permits authorized.**  
7 **Notwithstanding subsections 1 and 2, the following activities are**  
8 **prohibited and permits for the activities may not be issued:**

10 **A. Construction of new or enlargement of existing seawalls,**  
11 **bulkheads or similar structures on the coastal sand dune**  
12 **system. Maintenance and repair are permitted as long as**  
13 **they are conducted on the applicant's property and rocks, if**  
14 **used, are placed no more seaward than the existing seawall,**  
15 **except as permitted in section 480-O;**

16 **B. Reconstruction or replacement of buildings that are**  
17 **damaged by more than 50% and are located in the coastal sand**  
18 **dune system, if the damage was caused by wave action due to**  
19 **an ocean storm;**

20 **C. Maintenance and repair of a structure located in the**  
21 **coastal sand dune system when the cost, including the value**  
22 **of labor and materials, is equivalent to or exceeds 50% of**  
23 **the structure's assessed value; and**

24 **D. Construction of new buildings in the frontal dune.**

26 **Sec. 2. 38 MRSA §480-W, sub-§1,** as enacted by PL 1995, c.  
27 230, §1, is amended to read:

28 **1. Protective materials.** Place riprap, sandbags or other  
29 heavy nonhazardous material to shore up the threatened structure  
30 and replace, repair or leave the materials in place until a  
31 project designed to alleviate the threat is certified by the  
32 department and by the local code enforcement officer, and that  
33 project requires removal of the material. **Protective materials**  
34 **must be placed on the landowner's property and may not be placed**  
35 **in a position more seaward than the existing structure; and**

36 **Sec. 3. 38 MRSA §480-W,** as enacted by PL 1995, c. 230, §1,  
37 is amended by adding a new paragraph at the end to read:

38 **Nothing in this section may be construed to allow**  
39 **construction of new or enlargement of existing seawalls,**  
40 **bulkheads or similar structures as prohibited by section 480-C,**  
41 **subsection 4, paragraph A.**

42 **Sec. 4. 38 MRSA §480-AA** is enacted to read:

43 **§480-AA. Variance for activities in coastal sand dune system**

