

# MAINE STATE LEGISLATURE

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Date: 3/31/11

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 313, L.D. 387, Bill, "An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §480-B, sub-§2-E is enacted to read:

2-E. Footprint. "Footprint" means the outline that would be created on the ground by extending the exterior walls of a building to the ground surface.

Sec. 2. 38 MRSA §480-B, sub-§5-B is enacted to read:

5-B. Impervious area. "Impervious area" means an area that is a building, parking lot, roadway or similar constructed area. "Impervious area" does not mean a deck or patio.

Sec. 3. 38 MRSA §480-Q, sub-§28, as enacted by PL 2009, c. 75, §4, is amended to read:

28. Release of water from dam after petition by owner for release from dam ownership or water level maintenance. Activity associated with the release of water from a dam pursuant to an order issued by the department pursuant to section 905; and

Sec. 4. 38 MRSA §480-Q, sub-§29, as enacted by PL 2009, c. 75, §5, is amended to read:

29. Dam safety order. Activity associated with the breach or removal of a dam pursuant to an order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24-; and

Sec. 5. 38 MRSA §480-Q, sub-§30 is enacted to read:

30. Minor expansions to buildings in a coastal sand dune system. Expansion of an existing residential or commercial building in a coastal sand dune system if:

A. The footprint of the expansion is contained within an existing impervious area;

COMMITTEE AMENDMENT

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B. The footprint of the expansion is no further seaward than the existing building;

C. The height of the expansion is within the height restriction of any applicable law or ordinance; and

D. The expansion conforms to the standards for expansion of a building contained in the municipal shoreland zoning ordinance adopted pursuant to article 2-B.'

**SUMMARY**

This amendment replaces the bill. It defines "impervious area" and provides that decks and patios are not included in the definition. It defines "footprint" with respect to a building as the outline that would be created on the ground by extending the exterior walls of the building to the ground surface. It allows expansion without a permit of an existing residential or commercial building in a coastal sand dune system if the footprint of the expansion is contained within an existing impervious area and is no further seaward than the existing building; the height of the expansion is within the height restriction of any applicable law or ordinance; and the expansion conforms to the mandatory shoreland zoning law standards for expansion of a building.

**FISCAL NOTE REQUIRED**

(See attached)



# 125th MAINE LEGISLATURE

LD 387

LR 558(02)

**An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**  
**Committee: Environment and Natural Resources**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor revenue decrease - Other Special Revenue Funds

### Fiscal Detail and Notes

Allowing expansion of an existing residential or commercial building in a coastal sand dune when the "footprint" of the expansion is contained within an existing "impervious area" as those terms are defined in the bill as amended may result in a slight revenue decrease to the Department of Environmental Protection in the form of reduced permit fees.