

# 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 electronic originals  
(may include minor formatting differences from printed original)

**CORRECTED COPY**  
**March 29, 2011**



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

---

**Legislative Document**

**No. 387**

H.P. 313

House of Representatives, February 8, 2011

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

---

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

**HEATHER J.R. PRIEST**  
Clerk

Presented by Representative CHASE of Wells.  
Cosponsored by Senator SAVIELLO of Franklin, Senator COLLINS of York and  
Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, KNAPP of Gorham,  
McKANE of Newcastle, NASS of Acton.

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

2 **Sec. 1. 38 MRSA §480-B, sub-§5-B** is enacted to read:

3 **5-B. Impervious area.** "Impervious area" means an area that is covered by  
4 development, including, but not limited to, a building, deck, parking lot, roadway or other  
5 similar construction.

6 **Sec. 2. 38 MRSA §480-Q, sub-§28,** as enacted by PL 2009, c. 75, §4, is  
7 amended to read:

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

11 **Sec. 3. 38 MRSA §480-Q, sub-§29,** as enacted by PL 2009, c. 75, §5, is  
12 amended to read:

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

16 **Sec. 4. 38 MRSA §480-Q, sub-§30** is enacted to read:

17 **30. Impervious area.** Modification of an existing residential or commercial  
18 structure in a coastal structure in a coastal sand dune system if:

19 A. The modification is contained within an impervious area; and

20 B. The modification is within the height restriction of an applicable law or  
21 ordinance.

22 **SUMMARY**

23 This bill allows the modification of a structure in a coastal sand dune system without  
24 a permit if the structure is in an impervious area and does not violate the height restriction  
25 of an applicable law or ordinance. An impervious area is defined as an area that is  
26 covered by development.