

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 442

H.P. 335

House of Representatives, February 10, 2011

**An Act To Allow Year-round Placement of Cobble-trapping Fences
behind Established Seawalls**

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 COLLINS of York and
Representatives: AYOTTE of Caswell, BENNETT of Kennebunk, CEBRA of Naples,
GILLWAY of Searsport, McKANE of Newcastle, VALENTINO of Saco, Senators:
HOBBINS of York, SHERMAN of Aroostook.

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

2 **Sec. 1. 38 MRSA §480-II** is enacted to read:

3 **§480-II. Cobble-trapping fence in a coastal sand dune system**

4 This section applies to the placement of a cobble-trapping fence in a coastal sand
5 dune system.

6 **1. Definitions.** As used in this section, the following terms have the following
7 meanings.

8 A. "Cobble" means a rock that is smaller than a boulder and larger than gravel.

9 B. "Cobble-trapping fence" means a fence that is designed to prevent cobbles from
10 passing through it.

11 **2. Permit.** Notwithstanding anything to the contrary in this article, the department
12 may issue a permit to an owner of property in a coastal sand dune system to construct,
13 repair or replace a year-round cobble-trapping fence landward of an existing seawall in a
14 developed area if:

15 A. The property is adjacent to a beach with gravel and cobble sediment and has a
16 developed area, such as a lawn, between a building on the property and the beach;
17 and

18 B. The fence:

19 (1) Is not located on a naturally vegetated frontal dune;

20 (2) Is located seaward of the foundation of a building on the property and is no
21 more than 15 feet in front of the building;

22 (3) On either side, does not extend more than 2 feet beyond the foundation of a
23 building on the property;

24 (4) Does not consist of more than one row of fencing;

25 (5) Does not have openings smaller than 2 inches square;

26 (6) Is not higher than 4 feet above grade; and

27 (7) Is not supported by a permanent, continuous footing.

28 A cobble-trapping fence may be supported by permanent, small subsurface pipes or
29 similar emplacements. Cobbles and sediment trapped by a cobble-trapping fence may be
30 removed and placed immediately seaward of a frontal dune or seawall on the property.

31 **SUMMARY**

32 This bill authorizes the use of cobble-trapping fences on a year-round basis and sets
33 conditions on their use.