

# MAINE STATE LEGISLATURE

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L.D. 1738

Date: 3/8/12

Report A

(Filing No. H-752)

**ENVIRONMENT AND NATURAL RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1283, L.D. 1738, Bill, "An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection"

Amend the bill in section 6 in paragraph A in the 2nd line (page 2, line 16 in L.D.) by inserting after the following: "agreement" the following: 'and the proposed agreement'

Amend the bill by inserting after section 7 the following:

**'Sec. 8. 38 MRSA §480-B, sub-§2-E,** as enacted by PL 2011, c. 64, §1, is amended to read:

**2-E. Footprint.** "Footprint" means the outline of a structure on the ground, except that for a building "footprint" means the outline that would be created on the ground by extending the exterior walls of a building to the ground surface.'

Amend the bill in section 8 in subsection 31 by inserting at the end the following:

'For purposes of this subsection, "structure" does not include a seawall, retaining wall, closed fence or other structure used to stabilize the shoreline or to prevent the movement of sand or water. For purposes of this subsection, expansion of an existing structure does not include a change from one type of structure to another.'

Amend the bill by inserting after section 13 the following:

**'Sec. 14. Coastal sand dune rulemaking.** The Department of Environmental Protection may adopt rules allowing for the reconstruction of an existing structure in a frontal dune if:

1. The frontal dune is protected by a seawall;
2. The structure to be reconstructed existed prior to June 8, 2006;
3. The reconstructed structure is elevated on posts as provided for in rules adopted by the department;

**COMMITTEE AMENDMENT**

1 4. Any relocation of the reconstructed structure into the frontal dune is minimized to  
2 the extent practicable; and

3 5. The project meets the standards for all projects contained in the department's rules  
4 relating to coastal sand dunes.

5 Notwithstanding the Maine Revised Statutes, Title 38, section 480-AA, the initial  
6 rules adopted pursuant to this section are routine technical rules as defined in Title 5,  
7 chapter 375, subchapter 2-A and may be adopted by the Commissioner of Environmental  
8 Protection in accordance with Title 38, section 341-H, subsection 2. Any amendments to  
9 the rules adopted pursuant to this section are major substantive rules and may be adopted  
10 by the Board of Environmental Protection in accordance with Title 38, section 341-H,  
11 subsection 1.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
13 section number to read consecutively.

#### 14 SUMMARY

15 This amendment is the majority report of the committee. The amendment does the  
16 following.

17 1. It requires a proposed consent agreement to be posted on the Department of  
18 Environmental Protection's website with the notice of the proposed agreement. The bill  
19 requires that only the notice be posted.

20 2. It clarifies that the permit exemption for minor expansions of structures in coastal  
21 sand dune systems does not apply to expansions of seawalls, retaining walls, closed  
22 fences or other structures used to stabilize the shoreline or to prevent the movement of  
23 sand or water. It also clarifies that the exemption does not apply to an expansion that  
24 changes the type of structure. It also amends the definition of "footprint."

25 3. It authorizes the Commissioner of Environmental Protection to adopt initial  
26 routine technical rules allowing for the reconstruction of an existing structure in a frontal  
27 dune if certain criteria are met. Any amendments to those rules are major substantive  
28 rules adopted by the Board of Environmental Protection.