

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1644

S.P. 635

In Senate, December 23, 2013

**An Act To Allow Municipalities To Stabilize Sand Dunes Affected
by Actions of the Federal Government**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 23, 2013. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VALENTINO of York.
Cosponsored by Representative CHENETTE of Saco and
Senators: BOYLE of Cumberland, COLLINS of York, Representatives: HOBBS of Saco,
ROCHELO of Biddeford.

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

2 **Sec. 1. 38 MRSA §480-C, sub-§1**, as amended by PL 2001, c. 618, §2, is further
3 amended to read:

4 **1. Prohibition.** A person may not perform or cause to be performed any activity
5 listed in subsection 2, except as provided in subsection 5, without first obtaining a permit
6 from the department if the activity is located in, on or over any protected natural resource
7 or is located adjacent to any of the following:

8 A. A coastal wetland, great pond, river, stream or brook or significant wildlife
9 habitat contained within a freshwater wetland; or

10 B. Freshwater wetlands consisting of or containing:

11 (1) Under normal circumstances, at least 20,000 square feet of aquatic
12 vegetation, emergent marsh vegetation or open water, except for artificial ponds
13 or impoundments; or

14 (2) Peatlands dominated by shrubs, sedges and sphagnum moss.

15 A person may not perform or cause to be performed any activity in violation of the terms
16 or conditions of a permit.

17 **Sec. 2. 38 MRSA §480-C, sub-§2**, as enacted by PL 1987, c. 809, §2, is amended
18 to read:

19 **2. Activities requiring a permit.** ~~The~~ Except as provided in subsection 5, the
20 following activities require a permit:

21 A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other
22 materials;

23 B. Draining or otherwise dewatering;

24 C. Filling, including adding sand or other material to a sand dune; ~~or~~ and

25 D. Any construction, repair or alteration of any permanent structure.

26 **Sec. 3. 38 MRSA §480-C, sub-§5** is enacted to read:

27 **5. Activity not requiring a permit.** If erosion of a sand dune is caused by the
28 construction, erection, improvement or maintenance of a structure by the Federal
29 Government or of a structure owned by the Federal Government, a municipality may fill
30 or add sand or other material to the sand dune or construct a structure on the sand dune
31 for the purpose of stabilizing the sand dune.

32 **SUMMARY**

33 This bill allows a municipality to fill or add sand or other material to a sand dune or
34 construct a structure on a sand dune if the sand dune incurs erosion attributable to the
35 construction, erection, improvement or maintenance of a structure by the Federal
36 Government or of a structure owned by the Federal Government.