

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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;
4. Any relocation of the reconstructed structure into the frontal dune is minimized to the extent practicable; and
5. The project meets the standards for all projects contained in the department's rules relating to coastal sand dunes.

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

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

SUMMARY

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

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

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

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