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

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

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

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

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

B. Freshwater wetlands consisting of or containing:

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

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

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

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

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

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

B. Draining or otherwise dewatering;

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

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

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

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

SUMMARY

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