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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 387

H.P. 313

House of Representatives, February 8, 2011

An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems

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 SAVIELLO of Franklin, Senator COLLINS of York and
Representatives: AYOTTE of Caswell, BEAUDOIN of Biddeford, KNAPP of Gorham,
McKANE of Newcastle, NASS of Acton.

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

2 **Sec. 1. 38 MRSA §480-B, sub-§5-B** is enacted to read:

3 **5-B. Impervious area.** "Impervious area" means an area that is covered by
4 development, including, but not limited to, a building, deck, parking lot, roadway or other
5 similar construction.

6 **Sec. 2. 38 MRSA §480-Q, sub-§28,** as enacted by PL 2009, c. 75, §4, is
7 amended to read:

8 **28. Release of water from dam after petition by owner for release from dam**
9 **ownership or water level maintenance.** Activity associated with the release of water
10 from a dam pursuant to an order issued by the department pursuant to section 905; ~~and~~

11 **Sec. 3. 38 MRSA §480-Q, sub-§29,** as enacted by PL 2009, c. 75, §5, is
12 amended to read:

13 **29. Dam safety order.** Activity associated with the breach or removal of a dam
14 pursuant to an order issued by the Commissioner of Defense, Veterans and Emergency
15 Management under Title 37-B, chapter 24-; and

16 **Sec. 4. 38 MRSA §480-Q, sub-§30** is enacted to read:

17 **30. Impervious area.** Modification of an existing residential or commercial
18 structure in a coastal structure in a coastal sand dune system if:

19 A. The modification is contained within an impervious area; and

20 B. The modification is within the height restriction of an applicable law or
21 ordinance.

22 **SUMMARY**

23 This bill allows the modification of a structure in a coastal sand dune system without
24 a permit if the structure is in an impervious area and does not violate the height restriction
25 of an applicable law or ordinance. An impervious area is defined as an area that is
26 covered by development.