



131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2030

S.P. 858

In Senate, December 13, 2023

**An Act to Exempt Certain Emergency Activities and Structure
Elevation Increases in Flood Zones from Permit Requirements
Under the Natural Resources Protection Act**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 203.
Received by the Secretary of the Senate on December 11, 2023. 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 LYFORD of Penobscot.

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

2 **Sec. 1. 38 MRSA §480-Q, sub-§30**, as corrected by RR 2011, c. 1, §60, is amended
3 to read:

4 **30. Lobster trap storage.** The storage of lobster traps and related trap lines, buoys
5 and bait bags on docks in, on, over or adjacent to a coastal wetland. For purposes of this
6 subsection, "dock" means a dock, wharf, pier, quay or similar structure built in part on the
7 shore and projected into a harbor and used as a landing, docking, loading or unloading area
8 for watercraft; and

9 **Sec. 2. 38 MRSA §480-Q, sub-§32**, as enacted by PL 2011, c. 599, §14, is amended
10 to read:

11 **32. Placement of wood in streams.** The placement of wood in stream channels to
12 enhance cold water fisheries habitat in accordance with Title 12, section 8867-C and rules
13 adopted to implement that section;:

14 **Sec. 3. 38 MRSA §480-Q, sub-§33** is enacted to read:

15 **33. Emergency flood alleviation.** An emergency activity conducted or overseen by
16 the State or a local government in, on, over or adjacent to a river, stream or brook when the
17 emergency activity is necessary to alleviate an immediate threat to public health or safety
18 caused by a flood event occurring at the time the emergency activity is conducted, as long
19 as the river, stream or brook is restored following the flood event to the conditions that
20 existed prior to the flood event to the greatest extent practicable, as determined by the
21 department;

22 **Sec. 4. 38 MRSA §480-Q, sub-§34** is enacted to read:

23 **34. Elevating or replacing existing building foundation.** Full or partial elevation or
24 replacement of an existing building foundation if:

25 A. The building is located in an area of special flood hazard;

26 B. Erosion control measures are taken to prevent sedimentation of water during and
27 resulting from the elevation or replacement;

28 C. The building remains entirely within the building footprint existing immediately
29 prior to the elevation or replacement;

30 D. The building height after being elevated conforms to the requirements of section
31 439-A, subsection 4 and the standards contained in the relevant municipal shoreland
32 zoning ordinances adopted pursuant to article 2-B; and

33 E. When the building is in a coastal sand dune system, the foundation is replaced with
34 a post or piling foundation that allows for the free movement of water, wind and sand
35 and the building does not exceed 35 feet in height after being elevated. The post or
36 piling foundation may be enclosed with latticework or other similar material through
37 which water, wind and sand can easily move; and

38 **Sec. 5. 38 MRSA §480-Q, sub-§35** is enacted to read:

39 **35. Elevating existing pier.** A one-time increase in the height of an existing pier over
40 a coastal wetland if:

