

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

An Act To Allow Barrier Fences To Be Erected To Protect Homes from Coastal Storms

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

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

5. Barrier to protect a residence. Notwithstanding the provisions of this Title or Title 30-A, Part 2, the owner of a residential property may construct, repair or replace a permanent structure to protect the property from a natural disaster, occurrence or event. A permanent structure under this subsection may only be of a nature or scope necessary to protect the residential property against the natural disaster, occurrence or event. The department shall approve a permit by rule to construct, repair or replace this permanent structure as long as the property owner files a completed permit-by-rule notification for the construction, repair or replacement of the structure and the following standards are met:

A. During project construction, disturbance of dune vegetation must be avoided and native vegetation must be retained on the lot to the maximum extent possible. Any areas of dune vegetation that are disturbed must be restored as quickly as possible. Dune vegetation includes, but is not limited to, American beach grass, rugosa rose, bayberry, beach pea, beach heather and pitch pine; and

B. Sand may not be moved seaward of the frontal dune between April 1st and September 1st unless the owner has obtained written approval from the Department of Inland Fisheries and Wildlife.

SUMMARY

This bill allows an owner of a residential property to construct, repair or replace a permanent barrier to protect the property from a natural disaster, occurrence or event.