

# MAINE STATE LEGISLATURE

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L.D. 1161

Date: 6/3/21

(Filing No. H-382)

Majority

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 839, L.D. 1161, "An Act Concerning Marina-based Restaurants in the Shoreland Zone"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 38 MRSA §439-A, sub-§4-D is enacted to read:

4-D. Exemption for expansion of an existing restaurant associated with an existing marina. In accordance with the provisions of this subsection, a municipality may adopt an ordinance that allows the expansion of a restaurant that is part of a marina that has been permitted in accordance with all applicable state and local requirements.

A. Notwithstanding subsection 4, a municipality may adopt an ordinance pursuant to this subsection that allows the expansion of a restaurant that is part of a marina that has been permitted in accordance with all applicable state and local requirements if the following requirements are met:

- (1) The restaurant expansion is not located over a water body or wetland;
- (2) The restaurant expansion is not located any closer to the water body or wetland than the existing restaurant; and
- (3) The restaurant and the marina that the restaurant is a part of have both been in existence as of January 1, 2021.

B. Except for the water and wetland setback requirements in subsection 4, the expansion of a restaurant that is part of a marina that meets the requirements of this subsection must meet all other state and local permit requirements and comply with all other applicable rules.

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

COMMITTEE AMENDMENT

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**SUMMARY**

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2 This amendment replaces the bill. It authorizes a municipality to adopt an ordinance  
3 that allows the expansion of an existing restaurant that is part of a marina that has been  
4 permitted in accordance with all applicable state and local requirements, notwithstanding  
5 provisions that require certain setback requirements and limit the expansion of structures  
6 within 25 feet of a water body or wetland. The expansion of an existing restaurant that is  
7 part of a marina that has been permitted in accordance with all applicable state and local  
8 requirements may be permitted only if the expansion is not located over a water body or  
9 wetland, is not located any closer to the water body or wetland than the existing restaurant  
10 and, except for the water and wetland setback requirements, meets all other state and local  
11 permit requirements and complies with all other applicable rules. The amendment specifies  
12 that the expansion may be allowed if the restaurant and the marina of which the restaurant  
13 is a part have both been in existence as of January 1, 2021.