

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 23, 2021.

CHAPTER 334

H.P. 496 - L.D. 669

**An Act To Ensure Public Ways
Are Compliant with the
Federal Americans with
Disabilities Act of 1990**

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

Sec. 1. 23 MRSA §709 is enacted to read:

§709. Americans with Disabilities Act of 1990 compliance

Whenever the Department of Transportation undertakes a project for construction or reconstruction of a public way, the owner of an aboveground facility, including but not limited to poles, guys, hydrants, transformers or other utility facilities, within that portion of the public way shall ensure that the facility meets the requirements of the Americans with Disabilities Act of 1990. Any alteration, relocation or expense necessary to meet the requirements of the Americans with Disabilities Act of 1990 is the sole responsibility of the facility owner.

Sec. 2. 23 MRSA §3055 is enacted to read:

§3055. Americans with Disabilities Act of 1990 compliance

Whenever a municipality undertakes a project for construction or reconstruction of a public way, the owner of an aboveground facility, including but not limited to poles, guys, hydrants, transformers or other utility facilities, within that portion of the public way shall ensure that the facility meets the requirements of the Americans with Disabilities Act of 1990. Any alteration, relocation or expense necessary to meet the requirements of the Americans with Disabilities Act of 1990 is the sole responsibility of the facility owner.

See title page for effective date.

CHAPTER 335

H.P. 790 - L.D. 1061

**An Act To Protect Minor
Political Parties That Seek To
Retain Qualified Party Status**

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

Sec. 1. 21-A MRSA §301, sub-§1, ¶E, as amended by PL 2017, c. 254, §1, is further amended to read:

E. ~~At~~ The party's candidate for Governor or for President received at least 5% of the total votes cast in the State for Governor or for President in the last preceding gubernatorial or presidential election or at least 10,000 voters were enrolled in the party voted in as of the last general election, except that a qualified party does not have to meet ~~this enrollment~~ the requirements of this paragraph until the 2nd general election after it has qualified and thereafter.

See title page for effective date.

CHAPTER 336

H.P. 839 - L.D. 1161

**An Act Concerning Marina-
based Restaurants in the
Shoreland Zone**

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

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