

# 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.**

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**Augusta, Maine**  
**2021**

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

Effective June 23, 2021.

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**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.

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**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.

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**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