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No. 1161

H.P. 839

House of Representatives, March 22, 2021

An Act Concerning Marina-based Restaurants in the Shoreland Zone

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CEBRA of Naples.

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

2 **Sec. 1. 38 MRSA §436-A, sub-§6**, as amended by PL 2013, c. 320, §3, is further
3 amended to read:

4 **6. Functionally water-dependent uses.** "Functionally water-dependent uses" means
5 those uses that require, for their primary purpose, location on submerged lands or that
6 require direct access to, or location in, coastal or inland waters and that ~~can not~~ cannot be
7 located away from these waters. These uses include, but are not limited to, commercial
8 and recreational fishing and boating facilities, finfish and shellfish processing, fish-related
9 storage and retail and wholesale marketing facilities, waterfront dock and port facilities,
10 shipyards and boat building facilities, marinas, marina-based restaurants, navigation aids,
11 basins and channels, shoreline structures necessary for erosion control purposes, industrial
12 uses dependent upon water-borne transportation or requiring large volumes of cooling or
13 processing water that ~~can not~~ cannot reasonably be located or operated at an inland site and
14 uses that primarily provide general public access to coastal or inland waters. Recreational
15 boat storage buildings are not considered to be a functionally water-dependent use.

16 **Sec. 2. 38 MRSA §436-A, sub-§7-B** is enacted to read:

17 **7-B. Marina-based restaurant.** "Marina-based restaurant" means a restaurant as
18 defined by Title 28-A, section 2, subsection 15, paragraph Q located on the premises of a
19 marina and that is an accessory use to the primary use of the premises as a marina.

20 **SUMMARY**

21 This bill amends the definition of "functionally water-dependent uses" by adding
22 marina-based restaurants as one of the uses. This bill defines "marina-based restaurant" as
23 a restaurant establishment located on marina premises that is an accessory to the primary
24 use of the premises as a marina.