

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
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 state and local permit requirements and comply with all other applicable rules.