



**Testimony in opposition to LD 1163, “An Act Concerning
Marina-based Restaurants in the Shoreland Zone”**

**Testimony by Nick Bennett
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April 12, 2021

Senator Brenner, Representative Tucker, and members of the ENR Committee:

My name is Nick Bennett. I am the staff scientist for the Natural Resources Council of Maine (NRCM). NRCM is Maine’s largest environmental advocacy group with more than 25,000 members and supporters. I am testifying in opposition to LD 1161.

This bill would exempt restaurants attached to marinas from review under Maine’s Shoreland Zoning law and municipal Shoreland Zoning regulations. This bill would damage Maine’s water quality. Restaurants require parking lots, which are large impervious surfaces. Impervious surfaces are a major source of runoff to Maine waters. Runoff from parking lots can carry phosphorus, salt, petroleum, and antifreeze. All of these are damaging to water quality. Restaurants that are not connected to municipal sewage systems also require large, on-site septic systems. These are also potential sources of nutrient, chemical, and pathogenic pollution. Whether or not a restaurant is part of a marina does not matter to the receiving waters of a lake, river, or stream: the pollution is the same as when a restaurant is not part of a marina. Restaurants, whether or not they are attached to a marina, must comply with Shoreland Zoning standards in order to protect water quality.

According to the Department of Environmental Protection¹, lakes generate about \$3.5 billion per year for Maine’s economy and provide approximately 52,000 jobs. Streams are important resources too. They provide much of the habitat for brook trout in Maine. According to the U.S. Fish and Wildlife Service, total fishing expenditures in Maine were \$371 million in 2011², the latest year for which data are available. A big chunk of that is related to fishing for brook trout, which are very sensitive to runoff pollution.

Maine’s Shoreland Zoning law is an unmitigated success story when it comes to protecting these valuable water resources. In 2013, the Vermont Department of Environmental Conservation and the Maine Department of Environmental Protection published a study concluding that Maine’s Shoreland Zoning law was far more successful at protecting lake water quality than the corresponding law in Vermont.³

The Legislature should not weaken Maine’s Shoreland Zoning requirements. We urge the Committee to vote “ought-not-to pass” on LD 1161.

¹ See <https://www.maine.gov/dep/water/lakes/>

² See <http://digitalmedia.fws.gov/cdm/ref/collection/document/id/858>, P. 18.

³ See https://dec.vermont.gov/sites/dec/files/wsm/lakes/Lakewise/docs/lp_mainezoning.pdf