

## STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

—  
H.P. 415 - L.D. 596

**An Act To Help Small Businesses and Promote Tourism by Allowing the  
Construction of a Deck over a River within a Downtown Revitalization  
Project**

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

Sec. 1. 38 MRSA §439-A, sub-§4-B is enacted to read:

**4-B. Exemption from setback requirements for decks over rivers within a downtown revitalization project.** In accordance with the provisions of this subsection, a municipality may adopt an ordinance that exempts a deck from the water and wetland setback requirements otherwise applicable under this section.

A. Notwithstanding subsections 4 and 4-A, a municipality may adopt an ordinance pursuant to this subsection that exempts a deck from the otherwise applicable water or wetland setbacks if the following requirements are met:

- (1) The deck does not exceed 700 square feet in area;
- (2) The deck is cantilevered over a segment of a river that is located within the boundaries of a downtown revitalization project; and
- (3) The deck is attached to or accessory to a use in a structure that was constructed prior to 1971 and is located within a downtown revitalization project.

B. A downtown revitalization project under this subsection must be defined in a project plan approved by the legislative body of the municipality and may include the revitalization of buildings formerly used as mills that do not meet the water or wetland setback requirements in subsections 4 and 4-A.

C. Except for the water and wetland setback requirements in subsections 4 and 4-A, a deck that meets the requirements of this subsection must meet all other state and local permit requirements and comply with all other applicable rules.

D. A deck exempt under this subsection may be either privately or publicly owned and maintained.