

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 879

H. P. 680

House of Representatives, February 19, 1969

Referred to Committee on Business Legislation. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Realty Subdivisions.

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

Sec. 1. R. S., T. 30, § 4956, sub-§ 1, ¶ B, amended. Paragraph B of subsection 1 of section 4956 of Title 30 of the Revised Statutes is amended by adding at the end the following new sentence :

In addition, if private installations of water supply or sewage disposal or both will be involved in the development thereof, and the subdivision is divided into lots of 2 acres or less, the register of deeds shall not record any plat of a proposed subdivision until it has been approved, and the approval noted thereon, by the State Department of Health and Welfare.

Sec. 2. R. S., T. 30, § 4956, sub-§ 1, ¶ C, amended. The last sentence of paragraph C of subsection 1 of section 4956 of Title 30 of the Revised Statutes, as enacted by section 3 of chapter 401 of the public laws of 1967, is repealed and the following enacted in place thereof :

Where no public sewage disposal system or no public water supply system, or neither, is available to a subdivision, lots of not less than 15,000 square feet shall be laid out to provide individual sanitary waste disposal systems and private water supplies; and the distance between private sewage disposal systems and private water supplies shall be at least 100 feet. Approval of a subdivision by the State Department of Health and Welfare shall be based on percolation tests, soil type, soil observation holes made in a representative manner over the area to be subdivided, and recommendations by a registered engineer. The results of such tests and the engineering recommendations shall be submitted in a written report by the party promoting the subdivision to the State Department of Health and Welfare for approval of

such subdivision prior to submission for approval by the planning board or municipal officers.

Sec. 3. R. S., T. 30, § 4956, sub-§ 1, ¶ D, amended. Paragraph D of subsection 1 of section 4956 of Title 30 of the Revised Statutes is amended by adding at the end the following new sentence :

The State Department of Health and Welfare, upon request, shall consult with municipal authorities and persons subdividing land, relating to private sewage disposal and water supply problems.

Sec. 4. R. S., T. 30, § 4956, sub-§ 1, ¶ E, amended. Paragraph E of subsection 1 of section 4956 of Title 30 of the Revised Statutes is amended to read as follows :

E. The failure of the planning board to issue a written notice of its decision, directed to the applicant, within 30 days after a proposed subdivision has been submitted constitutes its disapproval. **The State Department of Health and Welfare shall issue a written notice of its decision within 30 days after a proposed subdivision has been submitted, and if its disapproval is indicated, reasons for same shall be listed.** An appeal may be taken from the decision of the planning board or the State Department of Health and Welfare or both to the Superior Court as provided in section 4954, subsection 2, paragraph B.

Sec. 5. R. S., T. 30, §§ 5621 - 5622, additional. Title 30 of the Revised Statutes is amended by adding 2 new sections 5621 and 5622, to read as follows :

§ 5621. Realty subdivisions in unincorporated and unorganized places

A register of deeds shall not record any plat of a proposed subdivision of land into 4 or more lots in any plantation, unincorporated township or other unincorporated or unorganized place in the State until it has been approved by the State Department of Health and Welfare if such subdivision is laid out within 1,000 feet of ponds of 10 acres or more or of fresh water brooks, streams, rivers or salt waters.

§ 5622. Charge for services re lots in subdivision

The State Department of Health and Welfare shall charge \$50 for 10 lots or less, and \$5 for each additional lot in the subdivision as submitted, such revenue to go to the General Fund.

Sec. 6. R. S., T. 33, § 652, amended. Section 652 of Title 33 of the Revised Statutes is amended by adding at the end the following new sentence :

Registers shall not record plats of proposed subdivisions of land unless approved in accordance with Title 30, sections 4956 or 5621.

Sec. 7. R. S., T. 33, § 652-A, additional. Title 33 of the Revised Statutes is amended by adding a new section 652-A, to read as follows :

§ 652-A. Charge for services re lots in subdivision

The State Department of Health and Welfare shall charge \$50 for 10 lots or less, and \$5 for each additional lot in the subdivision as submitted, such revenue to go to the General Fund.

STATEMENT OF FACTS

Existing statutes relating to realty subdivisions do not adequately protect the buyer and do not provide the initial planning that may be necessary to prevent the subsequent developments of nuisances related to the private sewage disposal and the protection of the quality of the related private water supplies.