

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 908

S. P. 270

In Senate, February 19, 1969

Referred to Committee on Natural Resources. Sent down for concurrence and 1,000 ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Berry of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Provide Certain State Level Land Use Controls.

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

Sec. 1. R. S., T. 12, part 6, additional. Title 12 of the Revised Statutes is amended by adding a new part 6, to read as follows:

PART 6

STATE LEVEL LAND USE CONTROLS

CHAPTER 423

MINIMUM LOT SIZES

§ 4801. Not served by public sewer or water supply

In all areas of the State whether organized or unorganized, and whether subject or not to less stringent local zoning, subdivision control or other police power land use controls, a lot or parcel of land which is not served by both public sewer and public water supply whether created by plat or laid out in metes and bounds shall not be sold, leased or used for single family residential purposes unless such lot or parcel of land is at least 20,000 square feet in size.

§ 4802. Not served by public water supply

A lot or parcel of land as described in section 4801 which is served by public sewer but not served by public water supply or which is served by public water supply but not by public sewer shall not be sold, leased or used

for single family residential purposes unless such lot or parcel of land is at least 15,000 square feet in size.

§ 4803. Multiple unit housing

A lot or parcel of land as described in section 4801 which is used for multiple unit housing or any other land use activity which housing or activity must dispose of wastes and which uses water in excess of the waste disposal and water use requirements of normal single family residential use, as defined by the Water and Air Environmental Improvement Commission, must have a minimum lot size which is greater than the requirements stated in section 4801 and section 4802 in the same proportion as the actual waste disposal and water use requirements of these multiple units of housing or other activities is greater than that of single family residential use.

§ 4804. Planned unit development

Notwithstanding the provisions of section 4803, a developer who contemplates clustering house units or creating a planned unit development may have the state's minimum lot size requirements waived with respect to his development by the Water and Air Environmental Improvement Commission upon a showing that suitable alternative arrangements have been made for the entire development proposed for waste disposal and water supply or that a permanently reserved open area may suitably be used as a drainage area or water supply area and that the state's waiver will in no way pose a threat to health, safety or the general welfare. Compliance with local zoning, subdivision control or any other land use controls, if any, is in no way affected by this provision.

CHAPTER 424

MANDATORY ZONING AND SUBDIVISION CONTROL

§ 4711. Shoreland areas

To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas defined as those land areas any part of which are within 500 feet of the normal high water mark of any navigable pond, lake, river, stream or salt water body be subjected to zoning and subdivision controls. The purposes of such controls shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; control building sites, placement of structures, and land uses; and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

§ 4812. Municipal control

Municipal units of government pursuant to presently existing enabling legislation are authorized to plan, zone and control the subdivision of land. With respect to the shoreland areas defined in section 4811 municipalities shall be given until June 30, 1971 to adopt zoning and subdivision control ordinances.

§ 4813. Municipal failure to accomplish purposes

If any municipality fails to adopt zoning and subdivision control ordinances for shoreland areas as defined in section 4811 by June 30, 1971 or if the Water and Air Environmental Improvement Commission determines that particular municipal ordinances because of their laxity and permissiveness fail to accomplish the purposes outlined in section 4811, the Water and Air Environmental Improvement Commission shall, with respect to these shoreland areas, adopt suitable ordinances for these municipalities which ordinances the respective municipalities shall then administer and enforce under state direction.

§ 4814. Unorganized and plantation areas

With respect to unorganized and plantation areas in the State for which no present mechanisms exist for imposing zoning or subdivision control ordinances or regulations, the Water and Air Environmental Improvement Commission is authorized after June 30, 1971 to prepare, promulgate and enforce by appropriate legal action brought in any Superior Court, zoning and subdivision controls for shoreland areas as defined in section 4811 to achieve the purpose outlined in section 4811 if by the above date no other mechanism to achieve these ends has been legislatively created.

§ 4815. Cooperation

The Water and Air Environmental Improvement Commission, municipalities and all state agencies shall mutually cooperate to accomplish the objectives of this chapter. To that end, the commission shall consult with the governing bodies of municipalities and to whatever extent necessary with other state agencies to secure voluntary uniformity of regulations, so far as practicable, and shall extend all possible assistance therefor.

Sec. 2. R. S., T. 30, § 4956, sub-§ 1, ¶ C, amended. The 2nd 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 as follows:

~~Where no public sewerage disposal system or no public water supply system, or neither, is available to a subdivision, lots shall contain not less than 15,000 square feet of land~~