

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 9  
6

7 H.P. 13

House of Representatives, January 5, 1983

8 Reference to the Committee on Energy and Natural Resources  
9 suggested and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Richard of Madison.  
Cosponsor: Senator Redmond of Somerset.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Amend the Subdivision Law.  
18

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

21 30 MRSA §4956, sub-§5, as amended by PL 1977, c.  
22 696, §227, is further amended to read:

23 5. Exemptions. This section shall not apply to  
24 proposed subdivisions approved by the planning board  
25 or the municipal officials prior to September 23,  
26 1971 in accordance with laws then in effect nor shall  
27 it apply to subdivisions as defined by this section  
28 in actual existence on September 23, 1971 that did  
29 not require approval under prior law or to a subdivi-  
30 sion as defined by this section, a plan of which had  
31 been legally recorded in the proper registry of deeds  
32 prior to September 23, 1971. ~~The division of a tract~~  
33 ~~or parcel as defined by this section into 3 or more~~  
34 ~~lots and upon all of which lots permanent dwelling~~

1 structures legally existed prior to September 23,  
2 1971 is not a subdivision.

3 The dividing of a tract or parcel of land and the lot  
4 or lots so made, which dividing or lots when made are  
5 not subject to this section, shall not become subject  
6 to this section by the subsequent dividing of said  
7 tract or parcel of land or any portion thereof, how-  
8 ever, the municipal reviewing authority shall con-  
9 sider the existence of such previously created lot or  
10 lots in reviewing a proposed subdivision created by  
11 such subsequent dividing.

12 STATEMENT OF FACT

13 This bill amends the subdivision law by deleting  
14 an exemption. Current law provides that the division  
15 of a tract of land into 3 or more pieces, each of  
16 which contains a permanent dwelling structure, does  
17 not constitute the act of creating a subdivision.  
18 This bill deletes that provision and will thereby  
19 require all future divisions of this nature to obtain  
20 municipal planning board approval.

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